

FEDERAL REGISTER



VOLUME 10 NUMBER 23

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Regulations

TITLE 7—AGRICULTURE

Chapter IV—War Food Administration (Crop Insurance)

PART 414—WHEAT CROP INSURANCE REGULATIONS

Correction

In Federal Register Document 45-2152, appearing at page 1585 of the issue for Wednesday, February 7, 1945, the headnote of § 414.1 should read "*Availability of wheat crop insurance.*" The last sentence of § 414.13 should read as follows:

"The wheat crop shall be deemed to have been substantially destroyed if the Corporation determines that it has been so badly damaged that farmers generally in the area where the farm is located and on whose farms similar damage occurred would not further care for the crop or harvest any portion thereof."

Chapter VII—War Food Administration (Agricultural Adjustment)

[1945 Bulletin]

PART 702—INSULAR AGRICULTURAL CONSERVATION PROGRAM

Payment will be made for participation in the 1945 Agricultural Conservation Program in Alaska, Hawaii, and Puerto Rico (hereinafter referred to as the 1945 program) in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made.

Sec.

- 702.601 Farm allowances, practices, and rates of payment.
- 702.602 Division of payments.
- 702.603 Increase in small payments.
- 702.604 Payments limited to \$10,000.00.
- 702.605 General provisions relating to payment.
- 702.606 Application for payment.

Sec.

- 702.607 Appeals.
- 702.608 Area bulletins, instructions and forms.
- 702.609 Definitions.
- 702.610 Authority, availability of funds and applicability.

AUTHORITY: §§ 702.601 to 702.610, inclusive, issued under 49 Stat. 1148, 1915; 52 Stat. 31, 204, 205; 53 Stat. 850; 54 Stat. 216, 727; 55 Stat. 257, 860; 56 Stat. 761; Pub. Law 425, 78th Cong., 2d Sess.; E.O. 9322, 8 F.R. 3897; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783.

§ 702.601 *Farm allowances, practices and rates of payment*—(a) *Farm allowances.* Farm allowances shall be established in each area upon recommendation of the State office and approval of the Agricultural Adjustment Agency for the purpose of limiting payments to available funds. Farm allowance shall be based upon practices which will provide for the equitable distribution of payments on the basis of individual farm conservation needs.

(b) *Conservation practices*—(1) *Basis for approval.* The conservation practices for which payment will be made shall be those which are recommended by the State office of each area of the Insular Region and approved by the Chief of the Agricultural Adjustment Agency, as best adapted for each of the areas to maintain and increase soil fertility, control and prevent erosion caused by wind or water; encourage conservation and better agricultural use of water; or conserve and increase range and pasture forage.

Payment will be made within the limit of the farm allowance for carrying out in the calendar year 1945 conservation practices approved for each area. To qualify for payment practices must be carried out by methods and with the kind of seed and other materials that conform to good farming practice, and must conform with prescribed specifications.

(2) *Practices carried out with State or Federal aid.* The extent of any practice shall not be reduced because it is carried out with materials or services furnished by the Agricultural Adjustment Agency, equipment furnished by the Soil Con-

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NOTICE

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servation Service, materials or services furnished by an agency of a Territory or Puerto Rico to another agency of the same Territory or to Puerto Rico. In other cases of State or Federal aid, the total extent of any practice performed shall be reduced for purpose of payment by not less than the percentage of the total cost of the practice which the State office determines was furnished by a State or Federal agency.

(c) *Rates of payment.* The rate of payment for carrying out any practice in each area of the Insular Region will be recommended by the respective State office and approved by the Agricultural Adjustment Agency, in accordance with the following provisions:

(1) The rates of payments for application of material may not exceed 80% of the estimated average cost of such materials determined on a farm delivery basis.

(2) The rates of payment for engineering and construction practices may not exceed the estimated average cost of labor, materials and use of equipment.

(3) The rates of payment for other practices may not exceed 75 percent of the estimated average cost of performing the practice.

§ 702.602 *Division of payments.* The payment earned in carrying out practices shall be paid to the producers who carried out the practices. If more than one producer contributed to the carrying out of the practices on the farm in 1945, the payment shall be divided in the proportion that the State office determines the producers contributed to the carrying out of the practices. All persons contributing to any practice carried out on a particular acreage shall be deemed to have contributed equally to the carrying out of that practice unless they establish to the satisfaction of the State office that their respective contributions thereto were not in equal proportion, in which event the participation shall be determined by the proportion which the State office finds each person contributed thereto.

§ 702.603 *Increase in small payments.* The total payment computed under § 702.601 for any person with respect to any farm shall be increased as follows:

(a) Any payment amounting to 71 cents or less shall be increased to \$1,
(b) Any payment amounting to more than 71 cents but less than \$1 shall be increased by 40 percent;

(c) Any payment amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of payment computed:	Increase in payment
\$1.00 to \$1.99	\$0.40
\$2.00 to \$2.99	.80
\$3.00 to \$3.99	1.20
\$4.00 to \$4.99	1.60
\$5.00 to \$5.99	2.00
\$6.00 to \$6.99	2.40
\$7.00 to \$7.99	2.80
\$8.00 to \$8.99	3.20
\$9.00 to \$9.99	3.60
\$10.00 to \$10.99	4.00
\$11.00 to \$11.99	4.40
\$12.00 to \$12.99	4.80
\$13.00 to \$13.99	5.20
\$14.00 to \$14.99	5.60
\$15.00 to \$15.99	6.00
\$16.00 to \$16.99	6.40
\$17.00 to \$17.99	6.80
\$18.00 to \$18.99	7.20
\$19.00 to \$19.99	7.60
\$20.00 to \$20.99	8.00
\$21.00 to \$21.99	8.20
\$22.00 to \$22.99	8.40
\$23.00 to \$23.99	8.60
\$24.00 to \$24.99	8.80
\$25.00 to \$25.99	9.00
\$26.00 to \$26.99	9.20
\$27.00 to \$27.99	9.40
\$28.00 to \$28.99	9.60
\$29.00 to \$29.99	9.80
\$30.00 to \$30.99	10.00
\$31.00 to \$31.99	10.20
\$32.00 to \$32.99	10.40
\$33.00 to \$33.99	10.60
\$34.00 to \$34.99	10.80
\$35.00 to \$35.99	11.00
\$36.00 to \$36.99	11.20
\$37.00 to \$37.99	11.40
\$38.00 to \$38.99	11.60
\$39.00 to \$39.99	11.80
\$40.00 to \$40.99	12.00

Amount of payment computed:	Increase in payment
\$41.00 to \$41.99-----	12.10
\$42.00 to \$42.99-----	12.20
\$43.00 to \$43.99-----	12.30
\$44.00 to \$44.99-----	12.40
\$45.00 to \$45.99-----	12.50
\$46.00 to \$46.99-----	12.60
\$47.00 to \$47.99-----	12.70
\$48.00 to \$48.99-----	12.80
\$49.00 to \$49.99-----	12.90
\$50.00 to \$50.99-----	13.00
\$51.00 to \$51.99-----	13.10
\$52.00 to \$52.99-----	13.20
\$53.00 to \$53.99-----	13.30
\$54.00 to \$54.99-----	13.40
\$55.00 to \$55.99-----	13.50
\$56.00 to \$56.99-----	13.60
\$57.00 to \$57.99-----	13.70
\$58.00 to \$58.99-----	13.80
\$59.00 to \$59.99-----	13.90
\$60.00 to \$185.99-----	14.00
\$186.00 to \$199.99-----	(¹)
\$200.00 and over-----	(²)

¹Increase to \$200.

²No increase.

§ 702.604 *Payments limited to \$10,000.00*—(a) *Individuals, partnerships, estates.* The total of all payments made in connection with the 1945 program to any individual, partnership, or estate with respect to farms, ranching units and turpentine places located within a single State, Territory, or possession shall not exceed \$10,000.00.

(b) *Others.* The total of all payments made in connection with the 1945 program to any person other than an individual, partnership, or estate with respect to farms, ranching units and turpentine places in the United States (including Hawaii, Alaska and Puerto Rico) shall not exceed \$10,000.00.

(c) *Evasion.* All or any part of any payment which has been or otherwise would be made to any person under the 1945 program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device designed to evade, or which has the effect of evading the provisions of this section.

§ 702.605 *General provisions relating to payment*—(a) *Practices defeating purposes of the program.* If the State office finds that any producer has adopted or participated in any practice which tends to defeat the purposes of the 1945 or previous programs, he may withhold or require to be refunded all or any part of any payment which has been or would be computed for such person.

(b) *Depriving others of payment.* If the State office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation) the effect of which would be or has been to deprive any other person of any payment under the program, it may withhold, in whole or in part, from the person participating in or employing

such a scheme or device, or require him to refund in whole or in part, the amount of any payment which has been or would otherwise be made to him in connection with the 1945 program.

(c) *Failure to carry out approved erosion control measures.* Payment will not be made to any person with respect to any farm which he owns or operates if the State office finds that he has been negligent and careless in his farming operations by failing to carry out approved erosion control measures on land under his control to the extent that any part of such land has become an erosion hazard during 1945 to other land in the community.

(d) *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under Territorial law or law of Puerto Rico; without deduction of claims or advances made (except as provided in paragraph (e) of this section, and except for indebtedness to the United States subject to set-off under orders issued by the War Food Administrator), and without regard to any lien against any crop or proceeds thereof, in favor of the owner or any other creditor.

(e) *Assignments.* Any person who may be entitled to any payment in connection with the 1945 program may assign his payment in whole or in part as security for cash loaned or advances made for the purpose of financing the making of a crop in 1945. No assignment will be recognized unless it is made in writing on Form ACP-69, and in accordance with the instructions (ACP-70) issued by the Agricultural Adjustment Agency.

§ 702.606 *Application for payment*—(a) *Persons eligible to file applications.* An application for payment with respect to a farm may be made by any person who contributed to the carrying out of approved practices.

(b) *Time and manner of filing applications and information required.* Payment will be made only upon application submitted on the prescribed form to the respective State officers on or before the time limit as established by the Chief of the Agricultural Adjustment Agency, except that the timely filing of an application by one person on a farm shall constitute the timely filing on behalf of all persons on that farm. Payment may be withheld from any person who fails to file any form, or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crop grown thereon, or for cash or standing rent.

Any application may be rejected if any form or information required is not sub-

mitted to the State office within the time fixed by the Chief. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms or required information, and any time limit shall be such as affords a full and fair opportunity to those eligible to file the form or information within the period prescribed.

Notice shall be given by mailing it to the office of each local Agricultural Extension Agent, and making copies of it available to the press.

§ 702.607 *Appeals.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the State office in writing to reconsider its recommendation, or determination in any matter affecting the right to or the amount of his payment with respect to the farm. The State office shall notify him of its decision in writing within 15 days after receipt of a written request for reconsideration. If the producer is dissatisfied with the decision of the State office he may within 15 days after its decision is forwarded to or made available to him request the Chief to review the decision of the State office.

Written notice of any decision rendered under this Section by the State office shall also be issued to each other producer on the farm who may be adversely affected by the decision.

§ 702.608 *Area bulletins, instructions and forms.* The Agricultural Adjustment Agency is authorized to make determinations and to prepare and issue Area Bulletins, instructions and forms required in administering the 1945 program.

§ 702.609 *Definitions.* For the purpose of the 1945 program:

"Administrator" means the War Food Administrator.

"Chief" means the Chief of the Agricultural Adjustment Agency.

"Insular Region" means the area included in the Territory of Alaska, the Territory of Hawaii and Puerto Rico.

"State Office" means the office of the Agricultural Adjustment Agency in Fairbanks, Alaska, Territory of Alaska; Honolulu, Territory of Hawaii; San Juan, Puerto Rico; depending upon the area concerned.

"Person" means an individual, partnership, association, corporation, trust or estate, or other business enterprise or legal entity wherever applicable, a State, Territory, or Possession, or a political subdivision, or agency thereof.

"Farm" means all tracts of cropland, pasture land, and other land in Alaska, Hawaii or Puerto Rico (considering tracts located in only one of these areas) operated by one or more persons in 1945 as a single farming unit, with cropping

practices, work stock, farm machinery, management, and labor substantially separate from that for any other such unit, and including any other land which serves as watershed for the supply of water for the farm and on which any applicable conservation practice is performed.

§ 702.610 *Authority, availability of funds and applicability*—(a) *Authority*. This program is approved pursuant to the authority vested in the Secretary of Agriculture under section 7-17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in the War Food Administrator by Executive Order No. 9322, as amended by Executive Order No. 9334 and Executive Order No. 9392.

(b) *Availability of funds*. The provisions of the 1945 program are necessarily subject to such legislation affecting the program as the Congress of the United States may hereafter enact; the making of the payments herein provided is contingent upon such appropriations as the Congress may hereafter provide for such purpose, and the amounts of such payments will necessarily be within the limits finally determined by the appropriation.

(c) *Applicability*. The provisions except where the content otherwise indicates, are applicable only to the Territories of Alaska, Hawaii and Puerto Rico. They do not apply to any department or bureau of the United States Government or any corporation wholly owned by the United States, or to grazing land owned by the United States which was acquired or reserved for conservation purposes or which is to be retained permanently under Government ownership, including, but not limited to, grazing land administered under the Taylor Grazing Act, or by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture, or by the Bureau of Biological Survey of the United States Department of Interior.

The program is applicable to (1) privately-owned lands; (2) lands owned by corporations which are partly owned by the United States, such as Federal Land Banks and Production Credit Associations; (3) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes including lands administered by the Farm Security Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, or the Federal Farm Mortgage Corporation, or by any other Government agency designated by the Agricultural Adjustment Agency and (4) any cropland farmed by private persons which is owned by the

United States or a corporation wholly owned by it.

Issued at Washington, D. C., this 13th day of February 1945.

ASHLEY SELLERS,
Assistant War Food Administrator
[F. R. Doc. 45-2530; Filed, Feb. 13, 1945;
3:25 p. m.]

Chapter XI—War Food Administration (Distribution Orders)

[WFO 79-102, Amdt. 8]

PART 1401—DAIRY PRODUCTS

DELEGATION OF AUTHORITY TO MARKET AGENTS IN ADMINISTRATION OF WAR FOOD ORDERS FOR CONSERVATION AND DISTRIBUTION OF FLUID MILK AND CREAM

Pursuant to War Food Order No. 79, as amended (8 F.R. 12426, 13283, 9 F.R. 4321, 4319, 6982, 9459, 10035, 11990, 10 F.R. 103) dated September 7, 1943, and to effectuate the purposes thereof, War Food Order No. 79-102, as amended (8 F.R. 16313, 9 F.R. 337, 4321, 4319, 4500, 10241, 11308, 12948, 14007, 14875, 10 F.R. 103, 126) is hereby further amended by deleting therefrom the provisions in § 1401.135 (b) (7) and substituting therefor the following:

(7) With the prior approval of the Chief, Dairy and Poultry Branch, Office of Marketing Services, to increase quotas for any handler: *Provided*, That no increase of more than 10 percent of his base deliveries of milk or butterfat in milk or of more than 15 percent of his base deliveries of butterfat in cream may be made.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 14, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 79-102, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 79-102, as amended, in effect prior to the effective time hereof, shall continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4321, 4319, 6982, 9459, 10035, 11990, 10 F.R. 103)

Issued this 12th day of February 1945.

C. W. KITCHEN,
Director of Marketing Services.

[F. R. Doc. 45-2522; Filed, Feb. 13, 1945;
1:01 p. m.]

[WFO 125, Amdt. 1]

PART 1414—POULTRY

POULTRY

War Food Order No. 125 (10 F.R. 1662), issued on February 8, 1945, is hereby amended as follows:

1. By deleting from § 1414.8 (b) (4) the comma after word "thereof", and also deleting therefrom the following: "i. e., an authorized poultry eviscerator,"

2. By deleting from § 1414.8 (b) (9) the comma after the word "thereof", and also deleting therefrom the following: "i. e., an authorized poultry canner,"

3. By deleting therefrom the provisions in § 1414.8 (d) (iv) and inserting, in lieu thereof, the following:

(iv) Canned poultry in glass or tin containers, if such canned poultry was produced prior to the effective date hereof; and.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 14, 1945.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 13th day of February 1945.

ASHLEY SELLERS,
Assistant War Food Administrator

[F. R. Doc. 45-2532; Filed, Feb. 14, 1945;
9:38 a. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[Bulletin 352]

PART 408—ACCOUNTING SECTION

INSUFFICIENT PAYMENTS

Section 408.00k (24 CFR, Cum. Supp., § 408.00k) is amended by deleting the second sentence, and inserting the following sentence in lieu thereof:

§ 408.00k *Insufficient payments*. * * * The appropriate account affected shall be credited with the amount of such insufficiency, with a contra debit to such accounts as the Comptroller shall prescribe. * * *

Effective: February 13, 1945.

(Secs. 4 (a) 4 (k) 48 Stat. 129, 132, as amended by sec. 13, 48 Stat. 647; 12 U.S.C. 1463 (a), (k), E.O. 9070, 7 F.R. 1529)

J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 45-2531; Filed, Feb. 13, 1945;
4:39 p. m.]

TITLE 10—ARMY WAR DEPARTMENT

Chapter VIII—Supplies and Equipment

[Procurement Regs. 1, 2, 3, 6, 7, 9, 11, 12 and 13]

MISCELLANEOUS AMENDMENTS

The following amendments and additions to the regulations contained in Parts 801, 802, 803, 806, 809, 811, 812, 813, 824, 826 and 829 are hereby prescribed. These regulations are also contained in War Department Procurement Regulations dated 5 September 1942 (9 F.R. 8363¹) as amended by Revision 45, 8 February 1945, the particular regulations being Nos. 1, 2, 3, 6, 7, 9, 11, 12 and 13.

In section numbers the figures to the right of the decimal point correspond with the respective paragraph numbers in the procurement regulations.

AUTHORITY: Sec. 5a, National Defense Act, as amended, 51 Stat. 764, 54 Stat. 1225; 10 U.S.C. 1193-1195, and the First War Powers Act, 1941, 55 Stat. 838; 50 U.S.C. Sup. 601-622.

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

Subchapter A—Procurement

[Procurement Reg. 1]

PART 801—GENERAL INSTRUCTIONS

SUBPART B—DISTRIBUTION OF PROCUREMENT REGULATIONS

Section 801.106 is amended to read as follows:

§ 801.106 *Distribution of procurement regulations*—(a) *Distribution to military establishments of complete sets of procurement regulations and of revisions to complete sets.* (1) Complete sets of procurement regulations and of revisions to complete sets are distributed by Legal Branch, Office, Director of Materiel, Headquarters, Army Service Forces, Room 5C-659, The Pentagon, Washington 25, D. C.

(2) All communications pertaining to the distribution of complete sets of procurement regulations and of revisions to complete sets, including:

- (i) Requests for complete sets;
- (ii) Requests for increase or decrease in the number of copies of revisions to be furnished;
- (iii) Requests for copies of particular revisions;
- (iv) Requests for missing pages or tab cards;
- (v) Requests for change of address to which revisions are to be forwarded;
- (vi) Requests that mailings of revisions be discontinued; should be addressed and forwarded directly to the address mentioned in subparagraph (1)

(3) Any request for complete sets should specifically indicate whether or not any addition or other change is to be made in the mailing list for future revisions.

(4) Any request which involves any increase or decrease in the number of copies of revisions to be furnished should specify not only the new number of copies desired but also the number of copies currently being furnished. In addition, any such request and any request for a change of address should specify the mailing address (as appearing on the envelope or package in which revisions are received) to which revisions currently are being forwarded.

(5) Any request which involves an increase in the number of copies of complete sets being maintained at an installation, or an increase in the number of copies of revisions to be forwarded to an installation, should be accompanied by information concerning the need for the increase.

(6) Communications (including requests mentioned in this paragraph) pertaining to the distribution of procurement regulations may be by letter or memorandum. Such requests need not be in the form of formal requisitions.

(7) Except as indicated in paragraph (b) of this section, no distribution is made of any individual procurement regulation in separate form.

(b) *Distribution to military establishments of Procurement Regulation No. 7 and Joint Termination Regulation (PR 15 in separate form)* (1) Procurement Regulation No. 7 and the Joint Termination Regulation (PR 15) are included in complete sets of Procurement Regulations and in revisions to complete sets. Paragraph (a) of this section relates to distribution of complete sets and revisions to complete sets. In addition, Procurement Regulation No. 7 and the Joint Termination Regulation (PR 15) and changes thereto, in separate form, are available to military establishments as indicated in subparagraphs (2) and (3) below.

(2) Procurement Regulation No. 7 and changes thereto, in separate loose-leaf form, are distributed through Adjutant General Depots and, in case of the Army Air Forces, through ATSC District Offices and Headquarters, Air Technical Service Command, Wright Field, Dayton, Ohio. Requisitions for Procurement Regulation No. 7 and changes thereto, in separate form, should be addressed and forwarded to the appropriate distribution office and not to the address mentioned in paragraph (a) (1) of this section.

(3) The Joint Termination Regulation (PR 15) and changes thereto, in separate loose-leaf form, are distributed through the Joint Termination Regulation Distribution Center, Room 633, 90 Church Street, New York 7, New York. Requests for the Joint Termination Regulation and changes thereto, in separate form, should be addressed and forwarded to that office and not to the address mentioned in paragraph (a) (1)

(4) When requesting Procurement Regulation No. 7 or the Joint Termination Regulation (PR 15), in separate form, the requesting installation should specify whether or not any addition or other change is to be made in the mailing

list for the receipt of future changes to such regulations.

(b) *Availability of procurement regulations to private concerns.* (1) The complete procurement regulations, and the changes made by each revision, are reprinted in the FEDERAL REGISTER, which is available, at a nominal charge, from the Superintendent of Documents, Washington 25, D. C. The filing sheet of each revision to complete sets of procurement regulations lists the particular issues of the FEDERAL REGISTER in which such reprinting has taken place. In addition, the complete procurement regulations, or in certain cases particular procurement regulations, are also reprinted in certain commercial services.

(2) The Joint Termination Regulation (PR 15) and changes thereto, in separate loose-leaf form, are available in limited quantities, free of charge, to war contractors and allied organizations from the Joint Termination Regulation Distribution Center, Room 633, 90 Church Street, New York 7, New York. A mailing list is maintained by that office for the forwarding of future changes.

(3) Procurement Regulation No. 7 and changes thereto, in separate loose-leaf form, are available on a subscription basis, at a nominal charge, from the Superintendent of Documents, Washington 25, D. C. A mailing list is maintained by that office for the forwarding of future changes.

[Procurement Reg. 2]

PART 802—GENERAL PURCHASE POLICIES

SUBPART B—CONTRACT PLACEMENT

1. In § 802.221 paragraph (d) is amended to read as follows:

§ 802.221 *Purchase of used or second-hand materials.* * * *

(d) *Purchases from disposal agencies.* (See § 806.613.)

2. Paragraphs (c) (d) and (e) of § 802.233 are amended to read as follows:

§ 802.223 *Factors governing placement of contracts.* * * *

(c) *Production urgency committees.* There have been established in labor shortage areas certain committees termed Production Urgency Committees, with authority among other things to approve the placement of contracts in Group I labor areas as indicated in paragraph (d-1) of this section.

(d) *Policy and procedures as to placing contracts in labor shortage areas.* Paragraphs (d-1) through (c) of this section set forth the policy and procedures in connection with the placement of contracts and contract supplements in labor shortage areas. The terms "contracts" and "contract supplements" as used in such paragraphs include informal, as well as formal, commitments.

(d-1) *Group I areas*—(1) *Contracts permitted to be placed in Group I areas.* Placement of contracts in Group I areas is to be avoided so far as possible. Subject to the requirements of subparagraphs (3) and (4), the only contracts

¹ See also 9 F.R. 9460, 9585, 10944, 12242, 13315, 14159; 10 F.R. 556.

or contract supplements which may be placed in a Group I area are those:

(i) Which cannot be placed elsewhere with adequate assurance of obtaining satisfactory performance and timely deliveries;

(ii) Which, in the considered judgment of the chief of the technical service concerned or of his authorized representative, it is impracticable to place elsewhere;

(iii) Which are placed, pursuant to § 802.224, with originating manufacturers for newly developed articles; or

(iv) Which are placed with a contractor currently employing less than 100 wage earners and which will not increase employment in the contractor's plant above the ceiling currently established by the War Manpower Commission.

(2) *Contracts not requiring clearance of Production Urgency Committees.* A contract or contract supplement of the character referred to in subparagraph (1) may be placed in a Group I area without clearance of a Production Urgency Committee, if the contract or contract supplement will not increase employment in the contractor's plant above the ceiling currently established by the War Manpower Commission: *Provided, however* That the reporting procedure prescribed in subparagraph (3) is to be followed when applicable.

(3) *Reporting of intended placement of contracts not requiring clearance with Production Urgency Committees.* Before placement of an unclassified contract or contract supplement having a total value of \$100,000 or more, which pursuant to subparagraph (2) does not require clearance of the appropriate Production Urgency Committee, the reporting requirements of this subparagraph (3) will be followed. Four copies of War Production Board Form GA-861, duly completed, and having endorsed thereon the proposed contract number and the legend "Critical production—information only—no increase in labor over the ceiling currently established by the War Manpower Commission" will be transmitted to the appropriate Production Urgency Committee. These reports will be transmitted through the Army representative on the Committee, or in the case of the Army Air Forces through the Army Air Forces representative on the Committee, at least 7 days before placement of the contract or contract supplement, unless this will unduly delay production, in which case the report will be transmitted as far in advance of placement as is practicable.

(4) *Contracts requiring clearance of Production Urgency Committees.* No contract or contract supplement, of any value, which will increase employment in the contractor's plant above the ceiling established by the War Manpower Commission, may be placed in a Group I area without prior clearance of the appropriate Production Urgency Committee. Applications for clearance of the Committee will be made to the Committee for the area in which are located the facilities of the contractor at which the work, or a major part of the work, will be done. Applications for clearance may seek approval of a single contract or of an entire program.

(d-2) *Group II areas.* The only contracts or contract supplements which may be placed in a Group II area are:

(1) Continuation contracts (or contract supplements having the same effect as continuation contracts) which will not increase employment in the contractor's plant above the ceiling currently established by the War Manpower Commission;

(2) New contracts which cannot be placed in a Group III, IV or unclassified area with adequate assurance of performance and timely deliveries;

(3) Contracts or contract supplements which, in the considered judgment of the chief of the technical service concerned or of his authorized representative, it is impracticable to place in a Group III, IV or unclassified area;

(4) Contracts placed, pursuant to § 802.224, with originating manufacturers for newly developed articles; or

(5) Contracts or contract supplements with a contractor currently employing less than 100 wage earners and which will not increase employment in the contractor's plant above the ceiling currently established by the War Manpower Commission.

(e) *Policy with respect to placing of contracts in Group III, Group IV and unclassified labor areas.* There are no restrictions upon the placement of contracts in a Group III, IV or unclassified area. It is the policy of the War Department to make every effort to place a substantial amount of its business with concerns located in Group IV areas, to the extent placement there is consistent with other procurement objectives and satisfactory performance and timely deliveries can be assured.

SUBPART C—CONTRACT PRICE POLICIES

In § 802.232 (e) the last sentence of subparagraph (2) is deleted to read as follows:

§ 802.232 *Cost-plus-a-fixed-fee contracts.* * * *

(e) *Existing contracts.* * * *

(2) One purpose of the War Department in converting cost-plus-a-fixed-fee contracts to a fixed price basis is to develop lower prices and costs and greater efficiency in the utilization of manpower and capacity, not only under the contract which is being converted but also under future contracts for similar products. It is, therefore, the policy to convert wherever, on an over-all appraisal of the situation, such conversion is practicable. This principle is subject to the limitation that conversion will not be deemed to be practicable (i) if there will be undue interference with production for the purpose of taking inventory, (ii) if the proposed conversion will take place at an unduly late stage of production, or (iii) if the conversion involves disproportionate accounting work with respect to past periods of production.

SUBPART I—PURCHASE ACTION REPORTS

Subpart I is revised as set forth below:

§ 802.290 *General—(a) Purpose.* This subpart relates to procedures established for purchase action reporting in order to comply with requirements of law and

to provide a single system within the Army for reporting placement, cancellation and amendment of contracts.

(b) *Effective date.* Compliance is required, effective 1 March 1945, with the revised procedures provided in this subpart. However, in the event the new Purchase Action Report Forms W.D., A.G.O. No. 375 (original) and W.D., A.G.O. No. 376 (supplemental), which replace the old Report of Negotiated Purchase in Excess of \$10,000, W.D., A.G.O. Forms No. 496 and 495, are not available by 1 March 1945, existing supplies of old forms may be used until such time as the new forms become available. Every effort will be made to utilize the new forms as early as possible.

(c) *Authority of Purchases Division as to reporting.* The Purchases Division, Headquarters, Army Service Forces, retains full authority pertaining to purchase action reporting requirements established by this subpart, despite the decentralization of some of the operating functions.

(d) *Matters to be reported.* All purchase actions, original and supplemental, as defined in § 802.291 (c) and (d), will be reported if involving the required dollar amount.

§ 802.291 *Definitions—(a) Technical service.* Notwithstanding the provisions of § 801.108 (e) the term, "technical service" when used in this subpart, shall be deemed to include the Army Air Forces, but shall not be deemed to include any service command. The term "chief of a technical service" shall be deemed to include the Commanding General, Army Air Forces.

(b) *Service command.* The term service command" shall be deemed to include the Military District of Washington and the Northwest Service Command.

(c) *Purchase action.* A purchase action is any transaction whatsoever (including all types of awards, also mandatory orders and requisitions under Part 814) with any individual, firm, corporation or Governmental agency not under the jurisdiction of the War Department, involving the purchase or lease of goods, real estate or services of every character and description, and usually obligating Government funds; *Provided, however,* That the following are not regarded as purchase actions and therefore are not reportable:

(1) Transactions of the Army Exchange Service (see § 802.294 (c)),

(2) Pay of individuals;

(3) Shipping and travelling expenses;

(4) Open-end contracts for services which are subject to open allotment as enumerated in Circular 245, W.D., 1944 (communication services, telephone and telegraph are examples of this class of contract),

(5) Indefinite quantity contracts, such as those listed in § 806.605d, which are for the use of more than one technical service or service command; and

(6) Delivery or purchase orders placed against a contract executed by another Department of the Government, such as a contract executed by the Procurement Division, Treasury Department.

Each delivery or purchase order in excess of \$10,000 issued against an indefinite

quantity contract of the character described in subparagraph (5) above, is considered to be a purchase action and should be reported as such on W.D., A.G.O. Form No. 375 (see § 802.295 (c) (3)).

(d) *Supplemental purchase action.* A supplemental purchase action is any transaction affecting the cost of an existing purchase action by means of change order, supplemental agreement, amendment, cancellation, extension, renewal, etc., this includes changes resulting from renegotiation, price adjustment, export differentials, etc. Changes such as adjustments due to over or under deliveries pursuant to a Variation in Quantities clause (see § 802.295 (c) (1)) are not supplemental purchase actions.

(e) *Preliminary contractual agreements.* The term "preliminary contractual agreements" as used in this subpart, refers to all written agreements which do not obligate War Department funds to the full amount which it is anticipated will be obligated finally. Letter orders, letter purchase orders, letter contracts and letters of intent are examples of preliminary contractual agreements (see W.D. Contract Form No. 7, § 813.1307, as one type of such agreement). For manner of reporting, see § 802.295 (a).

(f) *Open-end contract.* The term "open-end contract" as used in this subpart, means a contract in which no final completion date is set and which usually involves recurring charges for goods and services. (Contracts for gas, electricity or water may be cited as examples.) For manner of reporting, see § 802.295 (b).

(g) *Indefinite quantity contracts.* For the purposes of this subpart, indefinite quantity contracts are considered to include those contracts which permit deliveries to be made in larger or smaller quantities than stated in the contract, either at the option of the contractor or of the contracting officer, and with or without a written change order modifying the contract. For manner of reporting, see § 802.295 (c).

(h) *Date of award; date of action.* The "date of award" of an original purchase action is the date upon which a verbal or written notice of award thereof is given by the contracting officer to the contractor. The "date of action" with respect to a supplemental purchase action is the date upon which verbal or written notice thereof is given by the contracting officer to the contractor.

§ 802.292 *Filing of reports by stations under the jurisdiction of chiefs of technical services or commanding generals of service commands.* Stations under the jurisdiction of chiefs of technical services or commanding generals of service commands are required to file purchase action reports of the types, in the manner, and under the conditions provided in paragraphs (a) through (e) of this section. Stations under the jurisdiction of functional staff divisions, Headquarters, Army Service Forces, will file such reports as provided in § 802.294.

(a) *Stations required to report.* Except as noted below, it is the responsibility of every station (whether an exempted or non-exempted station) to which a reallocation, allotment or sub-

allotment has been made and which is located within the continental limits of the United States or in the Northwest Service Command, to file reports of purchase actions. Such reports, however, are not required to be filed by stations under the jurisdiction of the commanding generals of the Army Ground Forces or of the Defense Commands, or stations outside the continental limits of the United States (except those in the Northwest Service Command).

(b) *Method of determining whether report is to be filed with chief of technical service or commanding general of service command.* The numbering of the contract being reported determines to whom the report is to be forwarded by the station concerned. A purchase action or supplemental purchase action bearing a contract number which contains the letter symbol representing a particular technical service (see § 803.309 (b)) will be reported to the chief of that technical service. A purchase action or supplemental purchase action bearing a contract number which contains the symbol indicating a particular service command (see § 803.318b (e)) will be reported to the commanding general of that service command.

(c) *Original Purchase Action Reports.* (1) A Purchase Action Report (W.D., A.G.O. Form No. 375, see § 802.297 (a)) will be submitted for every original purchase action which involves a total cost (actual or estimated) in excess of \$10,000. The original and five copies (or more if directed by appropriate authority) of such report, will be forwarded to the chief of the appropriate technical service or commanding general of the appropriate service command, not later than the fifth calendar day following the date of award of the purchase action. (See § 802.291 (h)).

(2) When a purchase action, which was not reported because it previously involved a total cost of not more than \$10,000, is increased so as to involve, after such increase, a total cost (actual or estimated) in excess of \$10,000, a Purchase Action Report (W.D., A.G.O. Form No. 375, see § 802.297 (a)) will be submitted. The original and five copies (or more if directed by appropriate authority) of such report will be forwarded to the chief of the appropriate technical service or commanding general of the appropriate service command not later than the fifth calendar day following the date of award, which, in this instance, is considered to be the date on which a written or verbal notice of the increase is given by the contracting officer to the contractor.

(d) *Supplemental Purchase Action Reports.* (1) Subject to the conditions set forth in this paragraph, a Supplemental Purchase Action Report (W.D., A.G.O. Form No. 376, see § 802.297 (b)) will be submitted for every supplemental purchase action as defined in § 802.291 (d) when, with respect to the purchase action involved (including such supplemental purchase actions, if any, as may have been reported previously)

(i) The cost of such purchase action is completely cancelled,

(ii) The total cost (actual or estimated) of such purchase action is decreased to \$10,000 or less, or

(iii) The total cost (actual or estimated) of such purchase action is increased or decreased by more than \$1,000.

The original and one copy (or more if directed by appropriate authority) of the Supplemental Purchase Action Report will be forwarded to the chief of the appropriate technical service or to the commanding general of the appropriate service command not later than the fifth calendar day following the date of action. (See § 802.291 (h)).

(2) For purposes of purchase action reporting, a decrease to \$10,000 or less of the total previously reported cost (actual or estimated) involved in a purchase action will be considered and reported as a complete cancellation of such purchase action. This is so because only purchase actions involving a total cost in excess of \$10,000 are reportable. If, due to a decrease to \$10,000 or less in total cost involved in a purchase action, a Supplemental Purchase Action Report has been filed showing the complete cancellation of such purchase action and if subsequent changes (including termination settlements) increase such total cost to more than \$10,000, a further Supplemental Purchase Action Report (W.D., A.G.O. Form No. 376) will be filed; notwithstanding the provisions of paragraph (c) (2) such increase should not be reflected on a Purchase Action Report (W.D., A.G.O. Form No. 375).

(3) Supplemental purchase actions involving increases or decreases of \$1,000 or less in the total cost (actual or estimated) of previously reported purchase actions, normally will not be reported on the Supplemental Purchase Action Report (W.D., A.G.O. Form No. 376) but will, instead, be included in the Monthly Summary Report (see paragraph (e) of this section and § 802.297 (c-1) (4) (iii)). Exceptions to this general rule concerning supplemental purchase actions of \$1,000 or less are: (i) When the supplemental purchase action involves an increase in the total cost (actual or estimated) from \$10,000 or less to more than \$10,000; and (ii) When the supplemental purchase action involves a decrease in the total previously reported cost (actual or estimated) from more than \$10,000 to \$10,000 or less. In the former case the entire purchase action will be reported as an original purchase action on W.D., A.G.O. Form No. 375 (see par. (c) (2)) and in the latter case it will be reported as a complete cancellation on W.D., A.G.O. Form No. 376 (see par. (d) (2)).

(e) *Monthly Summary Report of purchase actions.* (1) Within five calendar days after the close of each calendar month, one copy (or more if directed by appropriate authority) of the Monthly Summary Report (see paragraph (c) of this section) will be submitted to the chief(s) of the appropriate technical service(s). Each Monthly Summary Report will reflect all original (W.D., A.G.O. Form No. 375) and all Supplemental (W.D., A.G.O. Form No. 376) Purchase Action Reports submitted to the chief(s) of such technical service(s) during the preceding calendar month. In addition each Monthly Summary Report will reflect the total of all supplemental purchase actions which (i) involve increases or decreases during the

month under report of \$1,000 or less in the cost of previously reported purchase actions and (ii) are not required to be, and have not been, reported on W.D., A.G.O. Forms No. 375 or 376 (See paragraph (d) (4) of this section and § 802.297 (c-1) (4) (iii)) and have not been reported on previous Monthly Summary Reports. In preparing the Monthly Summary Report, the Purchase Action Reports (W.D., A.G.O. Form No. 375) should be classified by date of award (see § 802.291 (h)) and the Supplemental Purchase Action Reports (W.D., A.G.O. Form No. 376) and supplemental purchase actions of \$1,000 or less should be classified by date of action (see § 802.291 (h)) and separate Monthly Summary Reports should be submitted for each month in which any reported action took place.

(2) No Monthly Summary Reports are required to be filed with the commanding generals of service commands.

§ 802.293 *Filing and distribution of reports by chiefs of technical services and commanding generals of service commands.* Chiefs of technical services and commanding generals of service commands are required to file purchase action reports of the types, in the manner, and under the conditions provided in paragraphs (a) through (e) of this section. Functional staff divisions, Headquarters, Army Service Forces, will file such reports as provided in § 802.294.

(a) *Original and Supplemental Purchase Action Reports.* (1) Purchase Action Reports (W.D., A.G.O. Form No. 375, see § 802.297 (a) and Supplemental Purchase Action Reports (W.D., A.G.O. Form No. 376, see § 802.297 (b)) will be forwarded by the chiefs of the technical services and commanding generals of service commands as follows:

Purchase Action Report (W.D., A.G.O. Form No. 375) 4 copies to the Department of Labor; 1 copy to the War Production Board.
Supplemental Purchase Action Report (W.D., A.G.O. Form No. 376) 1 copy to the War Production Board.

(2) In forwarding reports as provided in subparagraph (1) the following addresses should be used:

Department of Labor: Mr. William R. McComb, Deputy Administrator, Room 1114, Department of Labor Building, Washington 25, D. C. Attention: Mr. A. L. Triolo.

War Production Board: War Production Board, Bureau of Program and Statistics, Room H-327, Temporary E, 6th and Adams Drive SW., Washington 25, D. C.

(3) Notwithstanding the instructions in subparagraphs (1) and (2) above, all required copies of original or Supplemental Purchase Action Reports with respect to mandatory orders and requisitions (pursuant to Part 814) will be filed by the chiefs of technical services and commanding generals of service commands with the Director, Purchases Division, Headquarters, Army Service Forces, Attention: Chief, Control Branch.

(b) *Monthly Summary Report.* (1) Within 10 calendar days after the close of each calendar month, one copy of the Monthly Summary Report (see § 802.297 (c)) will be submitted by the chief of

each technical service to the Commanding General, Army Service Forces, Attention: Director, Purchases Division. Each such report will be reconciled with the Monthly Summary Reports submitted to the chief of the technical service by stations reporting to him during or for that month (see § 802.292 (e)). The purpose of the Monthly Summary Report submitted by the chiefs of the technical services is to provide a control over purchase-action reporting and to enable Purchases Division, Headquarters, Army Service Forces, to maintain a record of the totals of all purchase actions (with a value as awarded or supplemented in excess of \$10,000) as of the month in which they took place, regardless of the month during which they are reported. It is essential, therefore, that the chief of each technical service, in preparing the Monthly Summary Report, classify original Purchase Action Reports (W.D., A.G.O. Form No. 375) by date of award (see § 802.291 (h)) and Supplemental Purchase Action Reports and changes of \$1,000 or less by date of action (see § 802.291 (h)) and forward to Purchases Division a separate Monthly Summary Report for each month in which any reported action took place.

(2) Commanding Generals of service commands are not required to submit Monthly Summary Reports.

(c) *Quarterly Report on Procurement.* The chiefs of the technical services and the commanding generals of the service commands will submit to the Commanding General, Army Service Forces, Attention: Director, Purchases Division, within twenty days from the close of each quarter of each fiscal year, one copy of the Quarterly Report on Procurement (see § 802.297 (d)). Purchases Division will assemble the Quarterly Reports submitted by the chiefs of the technical services and the commanding generals of the service commands into one report which will be submitted by it to Congress, pursuant to Public Law 528, 77th Congress.

§ 802.294 *Filing of reports by functional staff divisions and stations under their jurisdiction.* (a) Except as otherwise provided in paragraph (c) of this section, functional staff divisions, Headquarters, Army Service Forces, and stations under their jurisdiction, will submit reports concerning purchase actions in the same manner as chiefs of technical services and stations under the jurisdiction of the chiefs of technical services. A purchase action or supplemental purchase action bearing a contract number which contains the symbol indicating a particular functional staff division will be reported by a station to the director of that division.

(b) The director of each functional staff division will be responsible for submission by that division and stations under its jurisdiction of reports concerning purchase actions, to the same extent as the chief of a technical service is responsible for reports by that technical service and stations under its jurisdiction.

(c) Nothing in this subpart shall require the preparation or submission of any reports concerning purchase actions by Army Exchange Service.

§ 802.295 *Special instructions concerning reporting of preliminary contractual agreements, open-end contracts and indefinite quantity contracts—*(a) *Preliminary contractual agreements* (see § 802.291 (e)). (1) A Purchase Action Report (W.D., A.G.O. Form No. 375) covering a preliminary contractual agreement, will be submitted by a reporting station not later than the fifth calendar day following the date of award (see § 802.291 (h)) under the following conditions:

(i) If the preliminary contractual agreement obligates funds in an amount (actual or estimated) in excess of \$10,000,

(ii) If the preliminary contractual agreement does not obligate funds, but the undertaking of the Government is not conditioned upon funds becoming available, and if the estimated cost involved under the preliminary contractual agreement exceeds \$10,000.

(2) If the undertaking of the Government under the preliminary contractual agreement is conditioned upon funds becoming available (see, for example, the Letter of Intent which was the subject of the decision of the Comptroller General, issued under date of 22 December 1941, B-21873; 21 Comp. Gen. 605), an original Purchase Action Report will be filed when either the expenditures of the Government under such agreement total in excess of \$10,000 or a final definitive contract (involving an actual or estimated cost in excess of \$10,000) is executed, whichever shall first occur.

(3) If a Purchase Action Report (W.D., A.G.O. Form 375) is filed for a preliminary contractual agreement, a Supplemental Purchase Action Report (W.D., A.G.O. Form 376) will be filed not later than the fifth calendar day after completion of performance under such preliminary contractual agreement or after supplement (including execution of a final definitive contract), amendment or change order to such preliminary contractual agreement, provided in any such case that an increase or decrease in excess of \$1,000 from the amount previously reported is involved. A Supplemental Purchase Action Report reflecting execution of a final definitive contract or completion of performance of the preliminary contractual agreement shall indicate this fact and shall also reconcile any difference in excess of \$1,000 between the amount shown in the Supplemental Purchase Action Report with the amount reported on the original Purchase Action Report as supplemented by previous Supplemental Purchase Action Reports, if any.

(b) *Open-end contracts.* (See § 802.291 (f)). (1) The Purchase Action Report (W.D., A.G.O. Form No. 375) for an open-end contract will include the full amount estimated to be expended for the first contract year. A Supplemental Purchase Action Report (W.D., A.G.O. Form No. 376) will be filed not later than the fifth calendar day after the close of the first contract year, reconciling the difference between the estimated and actual expenditures for such contract year, and reporting, as a separate item the estimated expenditure for the ensuing contract year. Similar Supplemental Pur-

chase Action Reports will be filed at the end of each succeeding contract year during the life of the contract. A final Supplemental Purchase Action Report clearly marked, "Final Report," will be submitted not later than the fifth calendar day after the completion or termination of the contract, adjusting any unreported quantity and value, whether it be an increase or a decrease.

(2) Where the amount to be expended under an open-end contract cannot be estimated in advance, a Purchase Action Report (W.D., A.G.O. Form No. 375) will be filed on the basis of actual expenditures when the aggregate expenditures thereunder exceed \$10,000. Supplemental Purchase Action Reports will not be rendered from time to time as additional expenditures, aggregating in excess of \$1,000, are incurred. Such additional expenditures will be reported on a contract or fiscal year basis on a Supplemental Purchase Action Report filed not later than the fifth calendar day after the close of the contract or fiscal year, as the case may be.

(c) *Indefinite quantity contracts.* For the purposes of this subpart, indefinite quantity contracts, as defined in § 802.291 (g) fall into four broad classes as follows:

(1) Those containing the standard clause entitled "Variation in Quantities" (§ 803.329) which permits the contractor to deliver 10 per cent over or under the quantity specified in the contract. In reporting this type of contract, only the original quantity and value need be stated; upon completion of deliveries no Supplemental Purchase Action Report is required even though deliveries may fall short or exceed the amount originally reported. Supplemental purchase actions (see § 802.291 (d)) involving an increase or decrease of more than \$1,000, however, are required to be reported (see § 802.292 (d)).

(2) Those containing a clause giving the contracting officer a power by change order to increase or decrease within stated percentage limits the quantity of articles called for by the contract (see § 803.329a). This type of contract will be reported originally at the quantity and value set forth in the contract. Supplemental purchase actions involving an increase or decrease of more than \$1,000 will be reported (see § 802.292 (d)).

(3) Those, such as listed in § 806.605d, which are for the use of more than one technical service or service command. This type of contract is not regarded as a purchase action (see § 802.291 (c) (5)) and the basic contract will not be reported. A Purchase Action Report (W.D., A.G.O. Form No. 375) however, is required to be submitted for each purchase or delivery order executed under such an indefinite quantity contract and involving a total cost (actual or estimated) in excess of \$10,000. Each such purchase or delivery order will be regarded as a separate purchase action and therefore will be reported on a non-cumulative basis without regard to any other such purchase or delivery order issued under the basic contract. For reference purposes, reports of such purchase or delivery orders should always indicate (in space (34)) the full contract number of the basic contract.

(4) Any other type of indefinite quantity contract. For the purposes of this subpart indefinite quantity contracts not falling within subparagraphs (1), (2) or (3) above, will be considered and reported as "open-end contracts" (see § 802.295 (b)).

§ 802.296 *General instructions concerning report forms—(a) Supply of forms.* (1) W.D., A.G.O. Forms No. 375 and 376 are available upon requisition from Adjutant General Depots, or in case of Army Air Force activities, from the appropriate Air Technical Service Command Depot.

(2) Forms for Monthly Summary Reports may be reproduced locally or typed as required.

(b) *Classified reports.* If the item or service covered by either an original or Supplemental Purchase Action Report is classified, proper entries should be made in all spaces (see § 802.297 (a-1) and (b-1)) and the whole report prominently labeled with the appropriate classification and transmitted according to regulations governing classified information.

§ 802.297 *Report forms and related instructions—(a) Purchase Action Report—W.D., A.G.O. Form No. 375.*

WAR DEPARTMENT PURCHASE ACTION REPORT				1. Date of report	2. Par. Serial No.
3. From (station, name, and address)				4. Station No. service	5. Contract No. (P. O. No.)
6. To (technical service or service command concerned)				7. Type of purchase action	8. Date of award
9. Contractor (name and address)				10. Contracting as Mr. _____ Desk _____	11. Contractor ccdo- _____ State _____
				12. Delivery to start	13. To be completed.
14. Work performed at (name and address)				15. Inspected at	16. _____
				17. F. o. b.	18. _____
19. Subj. to Walsh-Healey Act Yes _____ No _____		20. Title of applicable industry minimum wage determination (Secretary of Labor) if any:		21. Date P. O.—13 sent	
22. Item No.	23. Description of Items	24. No. of units	25. Unit cost and unit	26. Total cost (indicate if estimate)	
27. Total supplies and services				\$ _____	
28. Government facilities provided this contract				\$ _____	
29. Total amount of contract				\$ _____	
Additional information required for contracts in excess of \$100,000					
30. Negotiators for Government				31. Negotiators for contractor	
32. Reason for contractor selection (if no competition obtained)				33. Specification approval (name)	
34. Remarks:					
35. Name, grade, or title (type)				36. Signature	

WD AGO Form 375 This form supersedes WD AGO 420, 13 December 1943, which will not be used after receipt 1 December 1944 of this revision.

(a-1) *Instructions for preparation of Purchase Action Report; W.D., A.G.O. Form No. 375.* The following numbered instructions apply to the corresponding numbers appearing on the report form reproduced in paragraph (a) of this section.

(1) *Date of report.* This shall be the date upon which the report is prepared.

(2) *Purchase action report serial number.* This enables the contracting station and the controlling technical service or service command to reconcile their records. Inasmuch as many stations may originate purchase actions for and report them to more than one technical service, a separate serial number will be used for each such technical service. Each series of serial numbers will begin with Serial Number 1 for each new fiscal year and continue in exact sequence to the end of the fiscal year. No symbol indicating a technical service or service command need appear as part of the serial number; this will be indicated by the symbol shown in the

contract number. (See §§ 803.309 and 803.318b (e).) Reports made in one fiscal year for purchase actions awarded in a previous fiscal year should bear a serial number in the series of the fiscal year in which awarded.

(3) *From.* Include the name and address of the station preparing the report.

(4) *Station number and service.* This is the first part of the contract number and will include the station number and technical service or service command symbol appearing on the contract.

(5) *Contract Number (P. O. No.).* This is the final part of the contract number and will show the number assigned to the individual contract being reported. If a purchase order is being reported, the number thereof also will be indicated here.

(6) *To.* Indicate the name and address of the technical service or service command to which the report is being rendered.

(7) *Type of purchase action.* Indicate the type of contract involved. This information should state (1) whether the contract is a formal contract (namely, a contract con-

27. Contract value of items not revised	\$	
28. Total contract value including this revision	\$	
29. Total contract value prior to this revision	\$	"XXXXXXXXXXXX"
30. Net change in contract value, this revision <input type="checkbox"/> increase <input type="checkbox"/> decrease	\$	"XXXXXXXXXXXX"
31. Cash refunds prior to this revision () this revision ()	\$	
34. Remarks:		

35. Name, grade or title (Type)	36. Signature
---------------------------------	---------------

WD AGO FORM 376 This Form Supersedes WD AGO 425, 13 December 1943, which will not be used after 1 December 1944 receipt of this revision.

(b-1) *Instructions for preparation of Supplemental Purchase Action Report; W.D., A.G.O. Form No. 376.* The following numbered instructions apply to the corresponding number appearing on the report from reproduced in paragraph (b) of this section. The word "Same" used in any of the following instructions means that the correspondingly numbered instruction in paragraph (a-1) of this section applies.

(1) Same.

(2) *Purchase Action Report Serial Number.* A Supplemental Purchase Action Report will contain the same serial number as the original Purchase Action Report, followed by a letter of the alphabet in parentheses, the first Supplemental Purchase Action Report using the letter "(a)" the second "(b)," etc.

(3)-(4) Same.

(5) Same. In addition to the contract number, there will be entered in this space the number or letter of the contract supplement represented by the supplemental purchase action (see § 803.313 (a)).

(6)-(7) Same.

(8) *Date of action.* The date of the supplemental purchase action, determined as stated in paragraph 291 (8), will be entered. In no case will the date shown be the date of award of the original purchase action.

(9) through (21) Same.

(22) through (26) Same. Entries under spaces (22), (23), (24), (25) and (26) will be made only for the items affected by the particular supplemental purchase action being reported. All entries will be the full quantities or costs as revised—do not enter merely the net increase or decrease. In all cases, the nature of the supplemental purchase action will be indicated (space (34) may be used)—viz: quantity increase or decrease; price increase or decrease, etc. Where quantities have been changed, show the number of units added or deleted; where delivery or completion dates have been changed, indicate the changes and specify the initial delivery date of any increased quantities; where a decreased quantity represents a partial or complete termination for the convenience of the Government, or a partial or complete termination by default of contractor, so indicate; where price changes have occurred, indicate the nature of the change and whether due to a change in specifications or in costs; where prices have been affected by partial termination, so indicate.

(27) *Contract value of items not revised.* Show the contract value of all items on the contract which are not affected by the supplemental purchase action being reported.

(28) *Total contract value, including this revision.* This entry will be the sum of the entries in spaces (26) and (27).

(29) *Total contract value prior to this revision.* The entry here will be the value of the contract as previously reported (including Supplemental Purchase Action Reports, if any).

(30) *Net change in contract value, this revision.* The entry in this space will be the difference between spaces (28) and (29). Indicate by check marks in the box whether the amount shown in space (28) is an increase or a decrease.

(31) *Cash refunds prior to this revision.* Use of this space (31) is optional with the chiefs of technical services or commanding generals of service commands.

(32)-(33) Omitted from W. D., A. G. O. Form No. 376.

(34) through (36) Same (except that data on the acquisition of land is not required on Supplemental Purchase Action Reports).

(c) Monthly Summary Report.

Control Approval
Symbol PDS-18

MONTHLY SUMMARY REPORT

- (1) for Month of _____ 194__
 (2) To: _____
 (3) From: _____
 (4) Purchase actions not previously reported for this month:

	Value	Number
(a) W. D., A. G. O. Form No. 375	\$	
(b) W. D., A. G. O. Form No. 376:		
(i) Cancellations (decrease)	\$	
(ii) All other reported changes		
Increase <input type="checkbox"/> Decrease <input type="checkbox"/>	\$	
(c) Changes and supplements of \$1,000 or less, each, not reported on W. D., A. G. O. Form No. 376		
Increase <input type="checkbox"/> Decrease <input type="checkbox"/>	\$	XXXX
(d) Total of items (b) and (c)		
Increase <input type="checkbox"/> Decrease <input type="checkbox"/>	\$	

- (5) _____
 (6) _____
 (7) _____

(c-1) *Instructions for preparation of Monthly Summary Report.* The Monthly Summary Report will be prepared on the basis of net obligations undertaken during the month and not on the basis of appropriations authorized. This report will be submitted on an 8" x 10½" sheet. The following numbered instructions apply to the corresponding numbers appearing on the report form set forth in paragraph (c) of this section:

(1) *Month for which report submitted.* As required in §§ 802.292 (c) and 802.293 (b), a separate Monthly Summary Report will be submitted for each month in which any purchase action, reported during or for the preceding calendar month, took place, as determined by the "date of award" or "date of action" (space (8) on W.D., A.G.O. Forms

No. 375 and 376). Enter on line (1) the month covered by the particular Monthly Summary Report for which figures are reported under item (4) below.

(2) *For stations reporting to a chief of a technical service.* Enter the name and address of the technical service to which submitted.

For chiefs of technical services. Enter "Director, Purchases Division, Headquarters, Army Service Forces"

(3) *For stations reporting to a chief of a technical service.* Enter the name and station number of the reporting station.

For chiefs of technical services. Enter the name of the technical service.

(4) *Purchase Action Reports not previously reported for this month.* All entries under item (4) will pertain to the calendar month indicated in line (1).

(a) Under "Value" enter the sum of the entries in space (23) of all W.D., A.G.O. Forms No. 375 submitted during the previous calendar month, reporting purchase actions awarded during the month indicated in line (1). Under "Number" enter the count of all such W.D., A.G.O. Forms No. 375.

(b) (i) Under "Value" enter the sum of the entries in space (23) of all W.D., A.G.O. Forms No. 376 submitted during the preceding calendar month, reporting purchase actions, the cost of which was completely cancelled during the month indicated in line (1). As provided in § 802.292 (d) (2), decrease to \$10,000 or less in total cost of purchase actions is considered a complete cancellation. Under "Number" include the count of all such W.D., A.G.O. Forms No. 376.

(b) (ii) Under "Value" enter the total of entries in space (30) of all W.D., A.G.O. Form No. 376 submitted during the preceding calendar month, reporting increases or decreases during the month indicated in line (1) of more than \$1,000 in the total cost of purchase actions, except decreases reported in (b) (i) above. Indicate whether increase or decrease by check in proper box. Under "Number" enter the count of all such W.D., A.G.O. Forms No. 376.

(c) Under "Value" enter the mathematical sum of all supplemental purchase actions made during the month indicated in line (1) which involved an increase or decrease of \$1,000 or less in total cost and which were NOT reported on W.D., A.G.O. Form Nos. 375 or 376 and have not been reported on Monthly Summary Reports previously submitted. Indicate whether increase or decrease by check in proper box. No entry is required under "Number"

(d) Under "Value" enter sum of the entries in lines (b) (i); (b) (ii); and (c). Indicate whether increase or decrease by check in proper box. Under "Number" enter the sum of the entries in lines (b) (i) and (b) (ii).

(5) *Signature.* The officer or person responsible for procurement, or for preparation of purchase action reports, will sign here.

(6) *Name, grade or title.* Type the name, and grade or title of person signing report.

(7) *Date of submission.* Enter the date the report is submitted.

(d) *Quarterly Report on Procurement, Control Approval Symbol PDS-19.*

(d-1). *Instructions for preparation of Quarterly Report on Procurement.* (1) The Quarterly Report on Procurement will be submitted by the chief of each technical service and the commanding general of each service command. It will include only those contracts which have an original value at the date of award in excess of \$150,000. No report will be made of any contract with an original value at the date of award of \$150,000 or less, even though the value of such contract may have been increased by supplements to an amount in excess of \$150,-

000. Similarly no report will be made of any supplements, or changes, including increases, decreases, or cancellations of contracts. If no contract in excess of \$150,000 has been awarded during the quarterly period, a negative report will be submitted.

(2) The Quarterly Report will be typed on individual strips, which, after typing, will be arranged in alphabetical order by the contractors' names, then grouped into pages attached to a header strip which will be provided in advance of each quarter by the Purchases Division, Headquarters, Army Service Forces. Headers and individual strips will be assembled by the use of crinkly "draftsman's type" Scotch tape, if available. The pages shall have no more than 10" of printed and typed matter, including the header strip showing. The space on the header strip, providing for the page numbers, will never be filled in by the reporting technical service or service command. At the foot of the last page submitted for each technical service or service command, there will be typed the total dollar value of all contracts included in the report. This total will include only the total of the individual figures reported, and will not be adjusted to record supplements, changes, cancellations, etc., occurring subsequent to the initial award.

(3) Purchases Division will assemble the reports submitted to it, into one report which it will submit to Congress. Subsequent to the preparation of this completed report by Purchases Division, the pages will be returned to the submitting headquarters for disassembly and filing of the individual strips for future reference.

(4) The following information will be submitted for each contract for supply items or services included in the Quarterly Report on Procurement; subdivisions below refer to column headings on the header strip and the space references are to W.D., A.G.O. Form No. 375 and the explanations thereof in paragraph (a-1) of this section:

(i) *Contract number date and type of contract.* Insert full contract number, date of award, and indicate whether the contract is fixed price, cost-plus-a-fixed-fee, unit price, letter order, letter purchase order, purchase order, etc. (Spaces (4), (5) (8) and (7).)

(ii) *Item description and quantity.* Insert brief description of the item or items and the quantity of each. (Spaces (23) and (24).)

(iii) *Value.* The dollar value of the contract as reported in space (29)

(iv) *Name and address of the contractor and negotiator* Insert data from spaces (9) and (31)

(v) *Name of Government negotiator* Space (30)

(vi) *Specifications.* Space (33)

(vii) *Reasons for contractor selection.* Space (32)

(5) The following information will be furnished for each contract for the pur-

chase of land included in the Quarterly Report on Procurement. The subdivisions below refer to columns in the special header strip for land acquisitions, which will be furnished by Purchases Division upon request. The space references are to W.D., A.G.O. Form No. 375 and to the explanations thereof in paragraph (a-1) of this section.

(i) *Contract number date and type of contract.* Spaces (4) (5) (8) and (7)

(ii) *Location and intended use.* Enter a brief statement as to the location and intended use of the land. (Space (34).)

(iii) *Value.* Space (29)

(iv) *Name and address of contractor and negotiator* Spaces (9) and (31)

(v) *Name of government negotiator* Space (30)

(vi) *Area and assessed value.* State the area of the land purchased and the assessed value as it appears on the records. (Space (34).)

(vii) *Reasons for contractor selection.* Space (32)

§ 802.298 *Responsibilities of chiefs of technical services and commanding generals of service commands.* The chiefs of the technical services and commanding generals of the service commands are charged with the following responsibilities:

(a) Responsibility for assuring that all reports required by this subpart to be prepared and forwarded by the stations under their jurisdiction are prepared and forwarded in accordance with § 802.292. This responsibility includes:

(1) Responsibility for controlling by means of the serial numbering system (see § 802.297 (a-1) (2)) the submission of original and Supplemental Purchase Action Reports (W.D., A.G.O. Forms No. 375 and 376)

(2) Responsibility for requiring the submission of at least a sufficient number of copies of original and Supplemental Purchase Action Reports to accomplish the distribution required by § 802.293 to be made by the chiefs of technical services and the commanding generals of the service commands.

(3) Responsibility for checking by contract number to assure that duplicate reports are not received. This will include the checking of terminations and cancellations to be sure they are properly reported, as specified in § 802.292 (d)

(4) Responsibility for reconciling individual Purchase Action Reports submitted by each station with the Monthly Summary Reports submitted by that station. (Does not apply to commanding generals of service commands.)

(b) Responsibility for assuring that all reports required by this subpart to be prepared and forwarded by them are prepared and forwarded in accordance with paragraphs (a) through (c) of § 802.293.

(c) Responsibility for obtaining, upon request, detailed information on specific transactions when same is deemed necessary, and for prompt submission of such

information to Purchase Division, Headquarters, Army Service Forces.

§ 802.299 *Special Purchase Action Report Forms.* The Quartermaster Corps and the Ordnance Department have been authorized by the Director, Purchases Division to use special forms of Purchase Action Reports and Supplemental Purchase Action Reports deviating slightly from the standard W.D., A.G.O. Forms No. 375 and 376, set forth in paragraphs (a) and (b) of § 802.297. Stations under the jurisdiction of the Quartermaster General and those under the Chief of Ordnance will obtain supplies of these special forms as directed by the respective chiefs of those services.

[Procurement Reg. 3]

PART 803—CONTRACTS

SUBPART H—MANDATORY AND OPTIONAL CONTRACT PROVISIONS

1. In § 803.324, the last paragraph is amended to read as follows:

§ 803.324 *Uniform termination article.* * * *

The foregoing clause may be inserted in any contract as to which its inclusion is not mandatory.

2. Section 803.325 is amended to read as follows:

§ 803.325 *Anti-discrimination clause.* (a) Every contract, regardless of subject matter or amount, will contain (except as may be otherwise specifically permitted by the interpretations of Executive Order No. 9346 set forth in §§ 809.985 and 809.986) the following clause without deviation:

Anti-discrimination. (a) The Contractor, in performing the work required by this contract, shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin.

(b) The Contractor agrees that the provision of paragraph (a) above will also be inserted in all of its subcontracts. For the purpose of this article, a subcontract is defined as any contract entered into by the contractor with any individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, for a specific part of the work to be performed in connection with the supplies or services furnished under this contract: *Provided, however* That a contract for the furnishing of standard or commercial articles or raw material shall not be considered as a subcontract.

(b) When a prime contract is amended in accordance with § 809.986 to include the clause set forth in paragraph (a) of this section, there may be inserted in the supplemental agreement which amends the prime contract a statement substantially as follows:

The amendment made by this section * * * shall be effective as of the date of approval of this supplemental agreement and shall not be deemed to require amendment of the antidiscrimination provisions contained in any subcontract theretofore entered into

unless such subcontract is subsequently modified in some other respect.

(c) The contract clause set forth in paragraph (a) of this section is required under the provisions of Executive Order No. 9346. Such Executive order is discussed in Subpart L of Part 809.

3. The heading of § 803.326 is amended to read "*Disputes article.*"

4. The heading of § 803.327 is amended to read "*Buy-American Act; contract clause.*"

5. The introductory paragraph of § 803.336 is amended to read as follows:

§ 803.336 *Classified contracts; disclosure of information clause.* All top secret, secret, confidential or restricted contracts will contain the following clause without deviation:

6. Section 803.337 is amended to read as follows:

§ 803.337 *Classified contracts; employment of aliens clause.* All top secret, secret, confidential or restricted contracts will contain the following clause without deviation (for a further discussion of the subject of employment of aliens, see Subpart K of Part 809)

Employment of aliens. The Contractor will not permit any alien employed or to be employed by it or by any sub-bidder or subcontractor to have access to the drawings, specifications and accompanying enclosures relating to the performance of this contract, or to the models or material referred to therein, or to engineering principles, composition, subassemblies, or assemblies which are vital to the functioning or use of the article or articles forming the subject matter of this contract without the written consent beforehand of the Secretary of War.

With respect to any classified contract, now in effect and not completely performed, which contains a provision with respect to the employment of aliens in a different form from that herein prescribed, the chiefs of technical services concerned will take steps, where they deem it necessary to do so, to amend such provision by substituting therefor the clause herein prescribed.

(a) *Employment of aliens in connection with contracts for aircraft, aircraft parts or aeronautical accessories.* All top secret, secret, confidential or restricted contracts which are also subject to the act approved July 2, 1926, as amended March 3, 1927, section 10 (j)-(p) 10 U.S.C. 310 (j)-(p) relating to the employment of aliens in connection with contracts for furnishing or constructing aircraft, aircraft parts or aeronautical accessories for the United States may also contain such reference to that act or its provisions as the Commanding General, Army Air Forces, deems appropriate.

7. The heading of § 803.338 is amended to read "*Plant protection; contract clauses.*"

8. In § 803.343 the heading and introductory paragraph are amended to read as follows:

§ 803.343 *Davis-Bacon Act; contract clause.* All contracts subject to the

Davis-Bacon Act will contain the following clause without deviation (for a discussion of the Davis-Bacon Act and information as to the contracts which are subject to and those which are exempt from such act, see subpart D of Part 809)

9. The heading and introductory paragraph of § 803.344 are amended to read as follows:

§ 803.344 *Copeland "Kick-back" Act; contract clause.* All contracts subject to the Copeland "Kick-back" Act will contain the following clause without deviation (for a discussion of the Copeland "Kick-back" Act and information as to the contracts which are subject to and those which are exempt from such act, see Subpart C of Part 809)

10. The last paragraph of § 803.345 is amended to read as follows:

§ 803.345 *Convict labor* * * *
For discussion of the above clause as well as of the convict labor provision of the Walsh-Healey clause, see Subpart A of Part 809 of this chapter.

11. In § 803.346, the introductory paragraph is amended to read as follows:

§ 803.346 *Eight-Hour Law of 1912; contract clause.* All contracts subject to the provisions of the Eight-Hour Law of 1912 will contain the following clause without deviation (for a discussion of the Eight-Hour Law of 1912 and information as to contracts which are subject to and those which are exempt from such law, see Subpart B of Part 809)

12. In § 803.353, the introductory text of paragraph (a) and subparagraph (2) of paragraph (c) are amended to read as follows:

§ 803.353 *Walsh-Healey Act; representations and stipulations.* * * *

(a) *Changes in regulations under Walsh-Healey Act.* From time to time there are issued by the Secretary of Labor changes in regulations under the Walsh-Healey Act which have the effect of modifying the standard representations and stipulations which are required to be inserted in supply contracts subject to that act (see Subpart E of Part 809). Accordingly, if desired, there may be added to the representations and stipulations set forth in § 803.353 an additional paragraph as follows:

* * *
(c) *Minimum wage determinations under the Walsh-Healey Act.* * * *

(2) Provisions of subparagraph (1) above do not however, affect the requirement that the applicable minimum wage determinations, if any, be set forth in the individual purchase action report (see § 802.297 (a-1) (20))

13. The introductory paragraph of § 803.354 is amended to read as follows:

§ 803.354 *Notice of labor disputes; contract clause.* The following clause will be contained without deviation in all

contracts except (a) those to which it is clearly inapplicable, (b) those which are written on a standard form of contract, such as War Department Contract Form No. 47 (§ 813.1317c) which does not contain the clause:

14. In § 803.355, the introductory paragraph is amended to read as follows:

§ 803.355 *Assignment of rights; contract clause.* In accordance with the Assignment of Claims Act of 1940 (54 Stat. 1029) every contract which provides for payments aggregating \$1,000 or more, with the exception of secret, confidential and restricted contracts, will contain the following clause without deviation:

15. The headnote of § 803.366 is amended to read "*Clause concerning discounts to be contained in invitations for bids.*"

16. The headnote of § 803.367 is amended to read "*Clause concerning subcontracting; for fixed price supply contracts.*"

17. The headnote of § 803.368 is amended to read "*Clause concerning subcontracting; for cost-plus-a-fixed-fee supply contracts.*"

SUBPART I—TERMINATION OF FIXED-PRICE (LUMP SUM) CONTRACTS UPON DEFAULT OF CONTRACTOR

Section 803.379 (3) (ii) is amended to read as follows:

§ 803.379 *Steps to be taken in event of default.* * * *

(3) * * *
(ii) Under any contract article providing for termination for the convenience of the Government, when the defaults of the Contractor have not been gross or willful, and have not caused substantial injury to the Government, if the Contracting Officer shall find that the use of that termination article will be equitable under all the circumstances.

SUBPART J—MISCELLANEOUS

Subpart J, formerly Subpart L, is redesignated as set forth above.

[Procurement Reg. 6]

PART 806—INTERBRANCH AND INTERDEPARTMENTAL PURCHASES

SUBPART A—GENERAL

In § 806.602 (a) subparagraph (4) is amended to read as follows:

§ 806.602 *Definitions*—(a) *Procurement.* * * *

(4) *Purchase* (Abbr. Pur.) This function consists of contracting for a given item or class of items or manufacturing such items in Government-owned establishments under the jurisdiction of a technical service, and includes final acceptance.

SUBPART B—INTERBRANCH PROCUREMENT

The table in § 806.605d is amended to read as follows:

§ 806.605d Indefinite quantity contracts executed by the Office of The Quartermaster General. * * *

INDEFINITE QUANTITY CONTRACTS EXECUTED BY OFFICE OF QUARTERMASTER GENERAL

Supply Bulletin No.	Date	Commodity	Contract period	Contract symbol No.	Contractor	Area serviced	Applicability
10-87 (and Change No. 1) 10-94 (and Change No. 2) ¹	5 July 44. (2 Nov. 44) 18 July 44. (12 Oct. 44)	Books..... Compressed yeast.	Fiscal year 1945... Fiscal year 1945...	See Supply Bulletin No. 10-87 (and Change No. 1) W 11-009-qm-19505.... W 11-009-qm-19503.... W 11-009-qm-19730.... W 11-009-qm-19731.... W 11-009-qm-19732....	 Federal Yeast Corp., Colgate Creek-Highlandtown, P. O., Baltimore, Md. Varnum Yeast Co., 105 Cambridge St., Boston, Mass. Standard Brands, Incorporated, 595 Madison Ave., N. Y., N. Y. Anheuser-Busch, Inc., 721 Pestalozzi St., St. Louis, Mo. Red Star Yeast & Products Co., 221 E. Buffalo St., Milwaukee, Wis.	Continental United States and its possessions. 3rd Service Command.... 1st Service Command.... 4th, 8th and 9th Service Commands. 2nd & 7th Service Commands & Military District of Washington. 5th & 6th Service Commands.	General utilization by the War Department except the Medical Corps. All Branches of the War Department.
10-96	19 July 44.	Paper rolls, for cash registers.	Fiscal year 1945...	W 28-021-qm-15523....	The National Cash Register Co., Main & K Sts., Dayton, Ohio.	See Supply Bulletin No. 10-96.	All posts, camps and stations.
10-158....	1 Jan. 45....	Oil, Engine (United States Army Spec. 2-104 B, Amendment No. 2).	1 January 1945 to 31 July 1945.	W 44-109-qm-342....	The Texas Co.....	Continental United States, exclusive of Arizona, California, Colorado, Illinois, Nevada, Oregon, and Washington.	All War Department activities within continental United States (not including Alaska) for domestic consumption, exclusive of maneuvers ordered by Army Ground Force Headquarters.
				W 44-109-qm-333....	Shell Oil Co. Inc.....	California, Oregon and Washington.	
				W 44-109-qm-341....	Shell Oil Co. Inc.....	Illinois.....	
				W 44-109-qm-339....	Standard Oil Co. of California.	Arizona and Nevada....	
				W 44-109-qm-340....	Standard Oil Co. of California.	Colorado.....	
10-192....	Jan. 45....	Malt.....	1 January 1945 to 31 March 1945.	W 11-009-qm-23652....	Hazleton Syrup Company, Hazleton, Pa.	1st, 2nd and 3rd Service Commands; Military District of Washington.	All Branches of the War Department.
				W 11-009-qm-23649....	Anheuser-Busch, Inc., 721 Pestalozzi St., St. Louis, Mo.	4th Service Command....	
				W 11-009-qm-23651....	Birk Bros. Brewing Co., Webster and Wayne Sts., Chicago, Ill.	6th Service Command....	
				W 11-009-qm-23650....	Standard Brands, Inc., War Prod. & Supply Dept., 595 Madison Ave., New York, N. Y.	5th, 7th, 8th and 9th Service Commands.	
10-193....	Jan. 45....	Ink, duplicating machine, black 1 lb. cans.	1 February 1945 to 30 June 1945.	W 28-021-qm-27720....	Howard Flint Ink Co., Clark Ave. & M. C. R. R., Detroit 9, Mich.	See Supply Bulletin No. 10-193.	All Branches of the War Department.

¹ Change No. 1, 16 Aug. 44, to Supply Bulletin Number 10-94 has been rescinded. Change No. 2 relates to Contract W 11-009-qm-19503.

SUBPART C—INTERDEPARTMENTAL PURCHASES

1. In the list under § 806.606 (g) the two items on "Household and quarters furniture" are deleted, and the item "Telephones and parts" is amended to read as follows:

§ 806.606 *Purchases under contracts of Procurement Division, Treasury Department.* * * *

(g) *Mandatory schedules.* * * *
Description of Item, Schedule of Supplies and Period

* * *
Telephones and parts; 17, Supp. No. 6; September 1, 1941, to August 31, 1942 (portion extended to August 31, 1945).

2. Section 806.611 is amended to read as follows:

§ 806.611 *Purchases from other agencies of the Government.* Property may be acquired from other agencies of the Government either in the manner set forth in § 806.612 or in the manner set forth in § 806.613.

3. In § 806.612, the last paragraph of the text immediately preceding paragraph (a) is amended to read as follows:

The chiefs of the technical services are authorized, pursuant to the foregoing statute, to purchase property (other than

property which has been declared surplus) from other Federal agencies on payment of the estimated or actual cost thereof, but proper adjustments on the basis of the actual cost of the material, supplies, or equipment furnished, paid for in advance, shall be made as may be agreed upon mutually

4. Section 806.613 is amended to read as follows:

§ 806.613 *Procurement of surplus property from disposal agencies—(a) Surplus Property Act.* The Surplus Property Act of 1944 (Public Law 457, 78th Congress) places the responsibility upon all Government agencies, in order to avoid making purchases through commercial channels when suitable items are available from surplus property disposal agencies, to consult continuously the records of surplus property maintained by the disposal agencies under the regulations of the Surplus Property Board, and to determine whether their requirements can be satisfied out of such surplus property.

(b) *Disposal agencies.* (1) The disposal agencies and the general types of property for which they are responsible are as follows:

Reconstruction Finance Corporation—Capital and producers goods.

Procurement Division, Treasury Department—Consumers goods.

U. S. Maritime Commission—Ships and Maritime property.

War Food Administration—Food and related products.

A detailed statement of the specific kinds of property assigned to each of the foregoing disposal agencies is set forth in § 829.904.

(2) The surplus property operations of Reconstruction Finance Corporation within the United States are conducted through regional offices. The addresses of these regional offices and the areas that they serve are set forth in § 829.907.

(3) The surplus property operations of Procurement Division, Treasury Department within the United States are likewise conducted through regional offices. The addresses of these regional offices and the areas that they serve are set forth in § 829.908.

(4) The surplus property operations of U. S. Maritime Commission are conducted through a centralized office, the address of which is:

United States Maritime Commission, Attention: Mr. E. W. Gorman, Assistant to the Director of the Procurement Division, Washington 25, D. C.

(5) The surplus property operations of War Food Administration are likewise

conducted through a centralized office, the address of which is:

Office of Distribution, War Food Administration, Washington 25, D. C.

(c) *Information as to available surpluses.* Information as to available surpluses may be obtained from the regional offices of Reconstruction Finance Corporation and Procurement Division, Treasury Department, and from the Washington offices of U. S. Maritime Commission and War Food Administration. Although the regional offices of Reconstruction Finance Corporation and Procurement Division, Treasury Department, maintain detailed inventories only for surplus property located within their respective geographical areas, they are prepared to furnish information as to the availability of specific items of property held by other regional offices, upon request. Both Reconstruction Finance Corporation, and Procurement Division, Treasury Department, periodically publish listings of available surplus property, and these lists may be obtained from any of the regional offices of these disposal agencies.

(d) *Establishment of operational liaison with disposal agencies.* (1) In order that the War Department may utilize the surplus property of other Government agencies to the fullest extent practicable, and effectively discharge its responsibilities under the Surplus Property Act as set forth in § 806.613 (a) the Commanding General, Army Air Forces, will establish and maintain operational liaison between the procuring offices of Army Air Forces and the disposal agencies in such manner and at such levels as he shall deem most effective; and chiefs of technical services (other than Army Air Forces) will establish and maintain operational liaison with the disposal agencies, as follows:

(i) Each technical service that procures food or related products of the nature assigned to War Food Administration for disposal will establish operational liaison with the Washington office of that disposal agency. Operational liaison may be established at the level of the office of the chief of service or at the level of the district procurement office of the technical service, as the chief of service deems desirable.

(ii) Each technical service that procures ships or maritime products of the nature assigned to U. S. Maritime Commission for disposal will establish operational liaison with the Washington office of that disposal agency. Operational liaison may be established at the level of the office of the chief of service or at the level of the district procurement offices of the technical service, as the chief of service deems advisable.

(iii) Each technical service will establish operational liaison between each of its field procurement offices and the regional offices of Reconstruction Finance Corporation and Procurement Division, Treasury Department, respectively for the region in which the field procurement office is located. In addition, operational liaison between the office of the chief of service and the Washington offices of Reconstruction Finance Corporation and Procurement Division,

Treasury Department, may be established if the chief of service deems such operational liaison desirable.

(2) Each liaison officer shall be the focal point for the exchange of information with the disposal agencies as to contemplated Army procurements and as to the availability of surplus property to satisfy such procurements. The duties of each liaison officer shall be to review continuously the lists of surplus property published by the various disposal agencies; to be informed currently as to the items being procured by his respective procurement district office or technical service; to furnish information to the disposal agencies concerning items under procurement; to ascertain from the disposal agencies whether or not suitable items are available from surplus stock; and to transmit such information concerning available items to the proper procurement officer. All such reviews of surplus property lists and such exchanges of information as to procurements and available surplus property shall be made promptly and expeditiously so as not to delay procurement.

(e) *Procedure for acquiring surplus property.* In general, surplus property will be transferred with reimbursement by the War Department at a fair valuation determined by the disposal agency. Details of transfer procedure may be ascertained from the offices of the disposal agencies. However, where the property being transferred was declared surplus by another element of the War Department or by the Navy Department, non-reimbursable transfer can be arranged through withdrawal by the office that reported the property as surplus (see § 827.706) and transfer under § 823.312.

(f) *Direct communication with disposal agencies authorized.* Direct communication with disposal agencies is authorized in all matters pertaining to the acquisition of surplus property.

(g) *Readjustment Division.* Although direct communication with disposal agencies is authorized, Readjustment Division, Headquarters, Army Service Forces, is available for assistance in establishing operational liaison with the disposal agencies, and for consultation when the technical services desire assistance in their negotiations for acquisition of surplus property from the disposal agencies. All policy matters pertaining to the acquisition of surplus property from disposal agencies will be cleared with Readjustment Division, Headquarters, Army Service Forces (Section II, Circular 199, W.D., 1944).

(h) *Disposition of property to other Government agencies.* It is to be noted that this section relates only to the acquisition of surplus property from the disposal agencies, and not to the reporting of surplus War Department property to the disposal agencies or to disposition of War Department property to other Government agencies. As to the latter, see parts 821 to 829.

5. In § 806.614 paragraphs (b) and (c) are amended to read as follows:

§ 806.614 *Form of order to be used in making interdepartmental and interbranch purchases.*

(b) The suggested form contained in § 813.1317c is particularly designed for

placing orders of the types described in paragraphs (a) (1) and (2) above. If it is used for placing orders of the types described in paragraph (a) (3) there will of course be no basic purchase agreement; and so it will be necessary to modify the form appropriately. It is to be noted that the suggested form of delivery order set forth in § 813.1317e does not contain any "General Provisions" such as those contained in other forms. Such provisions are unnecessary in connection with interbranch and interdepartmental purchases.

(c) W. D. Contract Form 383 (§ 813.-1317a) will be used as a delivery order in accordance with instructions contained in TM 38-403 (Station Supply Procedure)

[Procurement Reg. 9]

PART 803—LABOR

Part 803 is revised as set forth below:

SUBPART A—CONVICT LABOR LAW

Sec.

- 803.901 Basic statutes.
- 803.902 Executive order of the President.
- 803.903 Application of basic statutes.
- 803.903-1 Exceptions to prohibitions.
- 803.903-2 Shipment of convict-made goods.
- 803.903-3 Employment.

SUBPART D—EIGHT-HOUR LAW OF 1912

- 803.904 Basic law.
- 803.904-1 Form of contract provision.
- 803.905 Applicability.
- 803.905-1 Exceptions.

SUBPART C—COPELAND ("KICKBACK") ACT

- 803.906 Basic law.
- 803.906-1 Form of contract provision.
- 803.907 Applicability.
- 803.907-1 Character of contracts.
- 803.907-2 Exceptions.
- 803.907-3 Determination of applicability.
- 803.908 Procedure.
- 803.908-1 Weekly affidavit with respect to payment of wages.
- 803.908-2 Exemptions with respect to weekly affidavits.
- 803.908-3 Submission of weekly affidavits.
- 803.908-4 Submission of subcontractor summaries.
- 803.908-5 Authorized payroll deductions.
- 803.908-6 Restricted payments prohibited.
- 803.908-7 Lack of knowledge no defense.
- 803.908-8 Request for advisory opinions.
- 803.909 Alternative procedures for railway carriers.

SUBPART D—DAVIS-BACON ACT

- 803.910 Basic law.
- 803.910-1 Form of contract provision.
- 803.911 Applicability: Character of contracts covered.
- 803.911-1 Definition of "building" and "work."
- 803.911-2 Definition of "construction" or "repair."
- 803.911-3 Exceptions as to contracts with States.
- 803.911-4 Exceptions based on nature of work contemplated by contract.
- 803.911-5 Exceptions: "Servicing and maintenance work" defined.
- 803.911-6 Exceptions based on other grounds.
- 803.911-7 Determination by chief of technical service.
- 803.912 Regulations of the Secretary of Labor.
- 803.913 Obtaining predeterminations of prevailing wage rates.
- 803.913-1 Responsibility of the Chief of Engineers.
- 803.913-2 Responsibility of contracting officers.

Sec. 809.914	Reports of violations.	Sec. 809.942-21	Relationship of Executive Order 9240 to 9250.	Sec. 809.970	Designation of areas subject to E. O. 9301.
809.915	Policy regarding construction and maintenance work.	809.942-22	National War Labor Board approval requirements for premium pay on sixth day of workweek.	809.971	Designation of activities subject to E. O. 9301.
SUBPART E—WALSH-HEALEY PUBLIC CONTRACTS LAW		809.943	Exceptions to Executive Order 9240.	809.972	Statement re adoption of forty-eight hour week.
809.916	General.	809.943-1	Shipbuilding stabilization agreement.	809.973	Interpretation of regulations.
809.917	Publications to be furnished contracting officers.	809.943-2	Building Trades stabilization agreement.	809.974	Enforcement procedure.
809.918	Contracts subject to the act.	809.943-3	Sugar processing industry.	809.975	Adjustments to cover increased cost of compliance.
809.919	General instructions.	809.943-4	Fish processing industry.	809.975-1	Time limit for filing requests for adjustment.
809.919-1	Compliance with regulations.	809.943-5	Fruit and vegetable packing and canning industries.	809.975-2	Procedure for adjustment.
809.919-2	Minimum wage determinations.	809.943-6	Milk processing industry.	809.975-3	Nature of showing required for adjustment.
809.919-3	Furnishing of posters.	809.944	Future interpretations.	809.975-4	Authority to execute supplemental agreements.
809.920	Interpretations not found in publications furnished contracting officers.	809.944-1	Requests for interpretations.	SUBPART J—STATE LABOR LEGISLATION	
809.921	Exceptions not stated in the publications furnished contracting officers.	SUBPART H—WAGE AND SALARY STABILIZATION		809.977	War Department policy respecting State labor legislation.
809.923	Procedure for obtaining exceptions with respect to the stipulations required by the Act.	809.950	General.	809.978	Requests for relaxation of State labor legislation.
809.923-1	General.	809.950-1	Scope of section.	809.978-1	Procedure for requests.
809.923-2	Requests for exceptions and review thereof by contracting officers.	809.950-2	Applicable statutes, orders, regulations and rulings.	809.978-2	Refusal of requests.
809.923-3	Consultation with regional directors, Department of Labor, and forwarding requests to chiefs of technical services.	809.950-3	Where information may be obtained.	SUBPART K—EMPLOYMENT OF ALIENS	
809.923-4	Review and processing of requests by chief of the technical service.	809.950-4	Definition of wages and salaries.	809.980	Joint statement.
809.923-5	Special procedure with respect to exception relative to employment of female minors.	809.951	Increases and decreases in wages and salaries under the stabilization program.	809.980-1	Form of contract provision.
SUBPART F—FAIR LABOR STANDARDS ACT OF 1938		809.951-1	General.	809.981	Anti-discrimination contract clause.
809.930	Basic law.	809.951-2	Limitations on wage and salary increases.	809.982	Procedure.
809.931	Exceptions.	809.951-3	Limitations on decreases in salaries of less than \$5,000.	SUBPART L—FAIR EMPLOYMENT PRACTICE	
809.932	Regulations of the Administrator.	809.951-4	Limitations on decreases in salaries of over \$5,000.	809.984	Executive Order No. 9346.
809.933	Liability of employer.	809.951-5	Limitations on decreases in wages.	809.985	Interpretations of Executive Order No. 9346 by the Committee on Fair Employment Practice.
809.934	Reimbursement of cost-plus-a-fixed-fee contractors for payments in accordance with the act.	809.952	Functions and operation of the National War Labor Board with respect to the wage and salary stabilization program.	809.986	Amendment of contracts and subcontracts not containing anti-discrimination clauses.
809.935	Investigations and inspections.	809.952-1	Jurisdiction of the Board.	809.987	Employment of aliens.
809.935-1	Investigations and inspections of records by the Administrator.	809.952-2	Regulations, orders and rulings of the Board.	SUBPART M—MISCELLANEOUS	
809.935-2	Investigations of cost-plus-a-fixed-fee contractors.	809.952-3	Agencies which exercise functions of the Board subject to its review.	809.989	Division engineers; addresses and territorial jurisdiction.
SUBPART G—OVERTIME WAGE COMPENSATION		809.952-4	When specific approval of Board is not required.	809.990	Regional War Labor Boards; geographical jurisdictions and addresses.
809.940	Executive order.	809.952-5	Preliminary inquiries as to wage and salary adjustments.	809.991	Wage and Hour and Public Contracts Divisions of the United States Department of Labor Regional Offices; geographical jurisdictions and addresses of Regional Directors.
809.941	Elimination of inconsistencies through amendment of contracts; non-reimbursement, etc.	809.952-6	Application for the Board's approval of voluntary adjustments.	809.992	Salary Stabilization Regional Offices of the Salary Stabilization Unit, Bureau of Internal Revenue; geographical jurisdictions and addresses.
809.942	Interpretations of the order.	809.952-7	Procedure in dispute cases.	809.993	Delegations of authority to War Department.
809.942-1	Basic purposes of the order.	809.954	Jurisdiction and organization of the Bureau of Internal Revenue with respect to the stabilization program.	809.993-1	General Order No. 14 of the National War Labor Board.
809.942-2	Work to which order is applicable.	809.954-1	Jurisdiction of the Commissioner.	809.993-2	General Order No. 37 of the National War Labor Board.
809.942-3	Classes of employees to which order is applicable.	809.954-2	Salary Stabilization Unit.	809.993-3	Delegation from the Commissioner of Internal Revenue.
809.942-4	Saturday and Sunday work.	809.954-3	Delegation to War Department Wage Administration Agency.	809.994	Minimum wage determinations.
809.942-5	Double time for seventh day.	809.954-4	When specific approval of the Commissioner is not required.	809.994-1	Knitting, knitwear and woven underwear.
809.942-6	The workweek.	809.954-5	Where applications shall be filed.	809.994-2	Gloves and mittens industry.
809.942-7	The work day.	809.956	Jurisdiction of the War Food Administrator with respect to the stabilization program.	809.994-3	Seamless hosiery industry.
809.942-8	Exceptions as to work day.	809.957	Jurisdiction of the National Railway Labor Board with respect to the stabilization program.	809.994-4	Men's hat and cap industry.
809.942-9	Effect of the order on applicable statutes and employment contracts.	809.958	When approval of Economic Stabilization Director required.	809.994-5	Rainwear industry.
809.942-10	Contracts for premium pay unrelated to work on particular days as such.	809.959	Territorial application.	809.994-6	Cotton garment and allied industries.
809.942-11	Holidays; choice of sixth holiday.	809.960	Criminal penalties.	809.994-7	Men's neckwear industry.
809.942-12	Holidays; computation of premium pay.	809.961	Effect of unlawful payments. (Determination of costs under government contracts and other aspects of violations.)	809.994-8	Dimension granite industry.
809.942-13	Holidays; inclusion of holidays in computing sixth and seventh days.	809.962	Responsibility of War Department personnel with respect to violations.	809.994-9	Shoe manufacturing and allied industries.
809.942-14	Holidays; determination of what constitutes work on holidays.	809.963	War Department relations with the National War Labor Board.	809.994-10	Handkerchief industry.
809.942-15	Holidays; not worked.	SUBPART I—FORTY-EIGHT HOUR WORKWEEK		809.994-11	Envelope industry.
809.942-16	Holiday pay not offset against other premium pay.	809.968	Executive Order No. 9301.	809.994-12	Vitreous or vitrified china industry.
809.942-17	Seventh day pay not offset against other premium pay.	809.969	Regulations of War Manpower Commission.	809.994-13	Leather, leather trimmed, and sheep-lined garments industry.
809.942-18	Pyramiding not permitted of overtime or premium rates on a particular day.			809.994-14	Flint glass industry.
809.942-19	Absences; full days of absence.			809.994-15	Luggage, leather goods, bolts, and women's handbag industry.
809.942-20	Absences for parts of work days.			809.994-16	Fireworks industry.

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- 809.994-17 Wool carpet and rug industry.
- 809.994-18 Tag industry.
- 809.994-19 Aircraft manufacturing industry.
- 809.994-20 Bobbinet industry.
- 809.994-21 Iron and steel industry.
- 809.994-22 Tobacco industry.
- 809.994-23 Furniture industry.
- 809.994-24 Drug and medicine industry.
- 809.994-25 Photographic supplies industry.
- 809.994-26 Blueprint paper coating industry.
- 809.994-27 Soap industry.
- 809.994-28 Fertilizer industry.
- 809.994-29 "Specialty accounting" supply manufacturing industry.
- 809.994-30 Small arms ammunition, explosives, and related products industry.
- 809.994-31 Paper and pulp industry.
- 809.994-32 Cement industry.
- 809.994-33 Structural clay products industry.
- 809.994-34 Uniform and clothing industry.
- 809.994-35 Die casting manufacturing industry.
- 809.994-36 Dental goods and equipment manufacturing industry.
- 809.994-37 Scientific industrial and laboratory instruments industry.
- 809.994-38 Surgical instruments and apparatus industry.
- 809.994-39 Evaporated milk industry.
- 809.994-40 Paint and varnish industry.
- 809.994-41 Leather manufacturing industry.
- 809.994-42 Textile industry.
- 809.994-43 Chemical and related products industry.
- 809.994-44 Aviation textile products manufacturing industry.

SUBPART A—CONVICT LABOR LAW

§ 809.901 *Basic statutes.* The public policy of the United States as to convict labor is expressed in the act of 23 February 1887 (24 Stat. 411, 18 U.S.C. 708, 709) This statute is a penal one and provides for imprisonment or fine upon conviction for its violation. See also 47 Stat. 418; 31 U.S.C. 686b; 45 Stat. 1034; 49 U.S.C. 60; 49 Stat. 494; 49 U.S.C. 61-64; 54 Stat. 1134, as amended 55 Stat. 581, 18 U.S.C. 396a.

§ 809.902 *Executive order of the President.* (a) Pursuant to the public policy prescribed by the aforementioned act of 23 February 1887, the President on 18 May 1905, issued an Executive order which provides, in substance, that all contracts which shall thereafter be entered into by officers or agents of the United States involving the employment of labor in the States composing the Union, or the Territories contiguous thereto, shall, unless otherwise provided by law, contain a stipulation forbidding, in the performance of such contracts, the employment of persons undergoing sentences of imprisonment at hard labor which have been imposed by courts of the several States, Territories, or Municipalities having criminal jurisdiction.

(b) Under date of 9 July 1942, the President issued Executive Order 9196 which "in order to remove any doubts which might otherwise exist and to insure the effective utilization of all existing productive facilities, * * * ordered that Executive Order No. 325A of May 18, 1905, be, and the same is hereby, suspended for the period of the war and for six months thereafter to the extent necessary to permit officers and agencies of the Federal Government charged with the purchase or procurement of articles necessary in the conduct of war to procure, directly or indirectly, through any contractor or subcontractor or otherwise,

articles of any kind produced in any Federal, State or territorial prison, provided such articles are not produced pursuant to any contract or other arrangement under which prison labor is hired out to, or employed or used by, any private person, firm or corporation."

(c) The form of the provision to be used in contracts to which such Executive orders apply (except contracts subject to the Walsh-Healey Act as to which see §§ 803.353 and 803.353-4) is set out in § 803.345.

§ 809.903 *Application of basic statutes.*

§ 809.903-1 *Exceptions to prohibitions.* The prohibitions contained in the foregoing provisions of this subpart do not apply to the following purchases:

(a) Purchases of items manufactured, or services rendered, by Federal Prison Industries, Inc. (see § 806.603)

(b) Purchases of items manufactured or produced, or of services rendered, by State prisons or other correctional State institutions (see § 806.608a)

§ 809.903-2 *Shipment of convict-made goods.* The Assistant Solicitor General has advised the Chairman of the War Production Board that the Federal statutes prohibiting shipment of convict-made goods and subjecting such shipments to the operation of state prohibitory laws (See e. g. 54 Stat. 1134, as amended 55 Stat. 581, 18 U.S.C. 396a; 45 Stat. 1034; 49 U.S.C. 60; 49 Stat. 494; 49 U.S.C. 61-64) do not extend to convict-made goods being procured by a contractor directly or indirectly for the Federal Government, *Provided*,

(a) That there is no other source of supply readily available to him on the open market;

(b) That purchases of such articles, materials or supplies are limited to the amount necessary to fulfill specific existing contracts with the Government; and

(c) That all such purchases are made at prices substantially equivalent to the current market price of the commodity purchased.

He has also expressed the view that an order of the Secretary of Labor, dated 26 May 1942, has the effect of exempting from the operation of the convict labor provisions of the Walsh-Healey Act (49 Stat. 2036, as amended, 41 U.S.C. 35 and following) "Contracts negotiated during the present war for the purchase of prison-made goods by contractors, subcontractors or brokers when such purchases are limited as above set forth to the purchase of such goods for the purposes of existing Government Contracts."

(See opinion of Attorney General, 6 May 1942; letter amplifying this opinion to the Chairman, War Production Board from the Assistant Solicitor General, date 20 June 1942.)

§ 809.903-3 *Employment.* The provisions of the statute referred to in § 809.901 do not prohibit the employment by contractors or subcontractors of persons serving sentences on parole or probation, nor to convicts who have served their terms.

SUBPART B—EIGHT-HOUR LAW OF 1912

§ 809.904 *Basic law.* The act requires that, in every contract to which

it is applicable, a provision must be inserted that no laborer or mechanic doing any part of the work contemplated by the contract in the employ of a contractor or any subcontractor, shall be required or permitted to work more than 8 hours in any one calendar day upon such work unless such mechanic or laborer is compensated for all hours worked in excess of 8 hours in any one calendar day at not less than 1½ times the basic rate of pay. Act of 19 June 1912 (37 Stat. 137) as amended by section 5 (b) act of 28 June 1940 (54 Stat. 679) and section 303 act of 9 September 1940 (54 Stat. 834) 40 U. S. C. 324, 325-A, M. L. 1939 and Supp. II, Secs. 743, 745.

§ 809.904-1 *Form of contract provision.* The form of the provision to be used in contracts to which the act applies is set out in § 803.346.

§ 809.905 *Applicability.* The basic law applies to all War Department contracts which may require or involve the employment of laborers or mechanics either by the prime contractor or any subcontractor, with the exceptions listed in § 809.905-1.

§ 809.905-1 *Exceptions.* (a) The law does not apply to supply contracts, such contracts ordinarily being subject to the Walsh-Healey Act where the amount involved is in excess of \$10,000.00 (see Subpart E of this part).

(b) Where the same class of work is not, as a general rule, being performed by the Government, contracts for any of the following classes of work are not covered by the act.

(1) Contracts for transportation by land or water.

(2) Contracts for the transmission of intelligence.

(3) Contracts for the construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable waters of the United States.

(4) Contracts for supplies or for such materials or articles as may usually be bought in the open market, whether such supplies, materials or articles are made to conform to particular specifications or not (except armor and armor plate)

(c) The law does not apply to contracts between the War Department and any one of the several States of the Union or the political subdivisions thereof. The law, however, is applicable to any subcontract covering any part of the work covered by such prime contract with a State (or political subdivision thereof) where it is sublet to a private contractor.

(d) The Attorney General has expressed the opinion that the basic law is not applicable to the employment of members of the crew of a dredge or like floating plant (38 Op. A.G. 150 (1934))

SUBPART C—COPELAND ("KICKBACK") ACT

§ 809.906 *Basic law.* The act provides that whoever shall induce any person employed in work subject to the act to give up any part of the compensation to which he is entitled under his contract of employment by force, intimidation, threat of procuring dismissal from such employment or any other manner whatsoever, shall be fined not more than

\$5,000 or imprisoned not more than 5 years, or both. Act of 13 June 1934, (48 Stat. 948) 40 U.S.C.A. secs. 276(b) and (c) as amended by Reorganization Plan No. IV effective 30 June 1940, (54 Stat. 1236)

§ 809.906-1 *Form of contract provision.* The form of the provision required by regulation in contracts to which the act applies is set out in § 803.344 (Title 29-A, Department of Labor Regulations 2.6) (29 CFR, Cum. Supp., 3.6)

§ 809.907 *Applicability.*

§ 809.907-1 *Character of contracts.* Generally the act applies to contracts and subcontracts regardless of amount for the construction, prosecution, completion or repair of any public building, public work, or building or work financed in whole or in part by loans or grants from the United States. The act applies to contracts for such work entered into upon a cost-plus-a-fixed-fee basis or otherwise, with or without advertising for proposals, as well as to contracts entered into upon a lump sum basis.

§ 809.907-2 *Exceptions.* (1) The act does not apply to supply contracts, such contracts ordinarily being subject to the Walsh-Healey Act where the amount is in excess of \$10,000 (see Subpart E of this part) nor does it apply ordinarily to installation or maintenance work done for the account of the Government in connection with and as an incident to supply contracts.

(2) The form of provision required in § 803.344 is not required in War Department contracts with a State, or a political subdivision thereof, nor are other regulations with regard to the filing of affidavits, payroll summaries and securing authorized payroll deductions applicable to such contracts. However, the provision must be included and the regulations must be followed in subcontracts of any part of the work involved sublet by any state (or political subdivision thereof) to a private contractor.

§ 809.907-3 *Determination of applicability.* Since the primary factor for determining whether or not the act applies is the nature of the work contemplated in the contract and since this same factor is involved in determining whether or not the Davis-Bacon Act applies, reference is made to §§ 809.911 to 809.911-5, which are equally applicable to this subpart.

§ 809.908 *Procedure.* Pursuant to the provisions of the act, the Secretary of Labor has prescribed certain regulations made effective 30 April 1942 which govern the procedure to be followed in connection with contracts that are subject to the act, and the Davis-Bacon Act §§ 309.910 and 809.910-1, also with regard to certain types of authorized deductions and the method of securing approval thereof. The substance of the pertinent regulations is discussed in §§ 809.908-1 to 809.908-8, inclusive.

§ 809.908-1 *Weekly affidavit with respect to payment of wages.* Each contractor or subcontractor engaged in work subject to the act is required to furnish each week a sworn affidavit with respect to the wages paid each of its employees (which shall not be deemed to apply to persons in classifications higher than

that of laborer and mechanic and those who are the immediate supervisors of such employees) engaged on the work covered by the act during the preceding weekly payroll period. The affidavit shall be executed and sworn to by the contractor or subcontractor who supervises the payment of wages and shall be in the following form:

State of _____
County of _____, ss: /

I, _____ (Name of party signing affidavit), _____ (title) being duly sworn, do depose and say: That I pay or supervise the payment of the persons employed by _____ (contractor or subcontractor) on the _____ (building or work); that the attached payroll sets out accurately and completely the name, occupation, and hourly wage rate of each person so employed for the weekly payroll period from the _____ day of _____, 194____, to the _____ day of _____, 194____, the total number of hours worked by him during such period, the full weekly wages earned by him and any deductions made from such weekly wages, and the actual weekly wages paid to him; that no rebates have been or will be made either directly or indirectly to or on behalf of said _____ (contractor or subcontractor) from the full weekly wages earned as set out on the attached payroll; and that no deductions, other than the permissible deductions (as defined in the Regulations under the "Kickback" Act (48 Stat. 948) described in the following paragraph of this affidavit, have been made or will be made, either directly or indirectly, from the full weekly wages earned as set out on the attached payroll.

(Paragraph describing deductions, if any)

(Signature and title)
Sworn to before me this _____ day of _____, 194____ (Title 29-A Dept. of Labor Regulations, 2.3 (b)). (29 CFR, Cum. Supp., 3.3 (b)).

§ 809.908-2 *Exemptions with respect to weekly affidavits.* Upon a written finding by the Secretary of War, the Secretary of Labor may provide reasonable limitations, variations, tolerances and exemptions from the requirements set forth in § 809.908-1, subject to such conditions as the Secretary of Labor may specify. Request for such finding shall be submitted through the chief of the technical service to the Industrial Personnel Division, Headquarters, Army Service Forces, for submission through channels to the Secretary of Labor. (Title 29-A, Department of Labor Regulations, 2.3 (c)) (29 CFR, Cum. Supp., 3.3 (c))

§ 809.908-3 *Submission of weekly affidavits.* (a) Each weekly affidavit shall be delivered by contractor or subcontractor within seven days after the regular payment date of the payroll period to the contracting officer or such other officer as may be designated for such purpose by the chief of the technical service.

(b) After such examination and check as may be made, one affidavit and one copy of the payroll of each contractor and subcontractor engaged on Federal construction (except shipbuilding and railroad) covering the weekly payroll periods ending nearest 15 January, 15 April, 15 July, and 15 October shall be submitted quarterly by the contracting officer or other designated officer to the U. S. De-

partment of Labor within 14 days after the close of specified payroll period.

(c) Affidavits and payrolls for all contracts (except shipbuilding and railroads) located in the States listed below should be mailed to the addresses indicated:

State and Location of Regional Office

Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia: Regional Wage Analyst, Bureau of Labor Statistics, 4th Floor, Carl Witt Building, 249 Peachtree St. NW., Atlanta Ga.

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont: Regional Wage Analyst, Bureau of Labor Statistics, 204 Washington St., Boston, Mass.

Illinois, Indiana, Minnesota, North Dakota, South Dakota, Wisconsin: Regional Wage Analyst, Bureau of Labor Statistics, Room 1212, Merchandise Mart, 222 West North Bank Drive, Chicago, Ill.

Louisiana, Oklahoma, Texas: Regional Wage Analyst, Bureau of Labor Statistics, 1010 Mercantile Bank Bldg., Dallas, Tex.

Kentucky, Ohio, West Virginia: Regional Wage Analyst, Bureau of Labor Statistics, 133 Federal Bldg., Public Square, Cleveland, Ohio. Colorado, Idaho, Montana, New Mexico, Utah, Wyoming: Regional Wage Analyst, Bureau of Labor Statistics, 422 Chamber of Commerce Bldg., Denver, Colo.

Michigan: Regional Wage Analyst, Bureau of Labor Statistics, Room 926; David Stott Bldg., 1150 Griswold Street, Detroit, Mich.

New York, New Jersey Counties—Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, Warren: Regional Wage Analyst, Bureau of Labor Statistics, Room 713, Parcel Post Bldg., 341 Ninth Avenue, New York, N. Y. Delaware, District of Columbia, Maryland, Pennsylvania, New Jersey Counties—Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, Salem: Regional Wage Analyst, Bureau of Labor Statistics, Room 1634, Widener Bldg., Chestnut and Juniper Sts., Philadelphia, Pa.

Arkansas, Iowa, Kansas, Missouri, Nebraska: Regional Wage Analyst, Bureau of Labor Statistics, 3000 Fidelity Bldg., Kansas City, Mo.

Arizona, California, Nevada: Regional Wage Analyst, Bureau of Labor Statistics, Room 410-412, Golden Gate Bldg., 25 Taylor St., San Francisco, Calif.

A separate office for the Southern California area is maintained at: Room 1520, Post Office and Court House Bldg., Los Angeles, Calif.

Oregon, Washington: Regional Wage Analyst, Bureau of Labor Statistics, 516 Seaboard Bldg., Seattle, Wash.

(d) In the case of shipbuilding and railroad contracts, affidavits and payrolls will be submitted for payroll periods ending nearest 15 May and 15 November to the Bureau of Labor Statistics, Washington, D. C.

§ 809.908-4 *Submission of subcontractor summaries.* Each contractor or subcontractor shall within seven days after the making of any subcontract with another person concerning work subject to the act deliver to the contracting officer or such other officer as may be designated for such purpose by the chief of the technical service, an affidavit setting forth the name and address of his subcontractor and a summary description of the precise work subcontracted. After such examination and check as may be made, such affidavit or a copy thereof shall be transmitted by the contracting officer or other designated officer directly to the Bureau of

Labor Statistics, U. S. Department of Labor, Washington, D. C., (Title 29-A, Department of Labor Regulations 2.4 (b)) (29 CFR, Cum. Supp., 3.4 (b)).

§ 809.908-5 *Authorized payroll deductions.* (a) Deductions for the following purposes are permissible:

(1) Where required by Federal, State, or local statutes or ordinances to be made by the employer from the wages earned by the employee;

(2) Bona fide prepayment of wages without discount or interest;

(3) Deductions required by court process provided that the contractor or subcontractor will not be permitted to make such a deduction in favor of the contractor, subcontractor, or any affiliated person or where collusion or collaboration exists. (Title 29-A Department of Labor Regulations 2.5 (a)) (29 CFR, Cum. Supp., 3.5 (a))

(b) Any deduction is also permissible which in fact meets the following standards and with respect to which the contractor or subcontractor shall have made written application by registered mail to the Secretary of Labor, a copy of which application shall be sent to the contracting agency by the contractor or subcontractor setting forth all the pertinent facts, indicating that such deductions will meet the following standards:

(1) That such deduction is not prohibited by other law and

(2) That such deduction is (i) voluntarily consented to by the employee in writing and in advance of the period in which the work was done, and that consent to the deduction is not a condition either for the obtaining of or for the continuance of employment or (ii) that such deduction is for the benefit of the employees or their labor organization through which they are represented and is provided for in a bona fide collective bargaining agreement; and

(3) That from such deduction no payment is made to, nor profit or benefit is obtained directly or indirectly by the contractor or subcontractor or any affiliated person, and that no portion of the funds, whether in the form of a commission or otherwise, will be returned to the contractor or subcontractor or to any affiliated person; and

(4) That the convenience and interest of the employees are served thereby, and that such or similar deductions have been customary in this or comparable situations. (Title 29-A Department of Labor Regulations 2.5 (b)) (29 CFR, Cum. Supp., 3.5 (b))

(c) After application in good faith, the deduction may be made in accordance with the foregoing standards: *Provided, however* That if the Secretary of Labor, on his own motion, or on the application of any person or agency affected by the granting of the application, shall conclude at any time, after written notice to the applicant and an opportunity for him to present his views in support of the deduction, that the deduction has not met the foregoing standards, such deductions shall cease to be "permissible" seven days after the applicant and the Federal agency concerned have been notified of the Secretary's decision. (Title 29-A Department of Labor Regulations 2.5 (c)) (29 CFR, Cum. Supp., 3.5 (c))

(d) Upon application to and prior written permission from the Secretary of Labor and subject to the standards set forth in paragraph (b), deductions may be made by a contractor or subcontractor or any affiliated person, for membership fees in group benefit or retirement associations; for board and lodging; or for other purposes where the Secretary of Labor concludes the deduction is required by compelling circumstances: *Provided, however* The contractor, subcontractor, or any affiliated person does not make a profit or benefit directly or indirectly from the deduction. A copy of the Secretary's decision shall be sent to the applicant and the Federal agency concerned. (Title 29-A Department of Labor Regulations 2.5 (d)) (29 CFR, Cum. Supp., 3.5 (d))

(e) In accordance with and subject to the standards set forth in paragraph (b) general permission is granted to make payroll deductions for:

(1) The payment of the purchase price of United States Defense Stamps and Bonds and United States Tax Savings Notes;

(2) The repayment of loans to or the purchase of shares in credit unions organized and operated in accordance with District of Columbia, Federal, or State credit union statutes.

(3) Contributions to a Federal governmental or quasi-governmental agency. (Title 29-A Department of Labor Regulations 2.5 (e)) (29 CFR, Cum. Supp., 3.5 (e))

§ 809.908-6 *Restricted payments prohibited.* In any case in which the employee does not have full and actual freedom of disposition of his wage payment, whether made in cash or by check, any restricted payment made to the employee is considered a deduction. (Title 29-A Department of Labor Regulations 2.5 (h)) (29 CFR, Cum. Supp., 3.5 (h))

§ 809.908-7 *Lack of knowledge no defense.* Nothing in the regulations shall be construed to permit any deduction which the contractor or subcontractor knew, or in the exercise of good faith should have known, did not meet the foregoing standards. In order to insure compliance with his regulations, the Secretary of Labor may notify the contractor or subcontractor that the deduction will be permitted only if certain conditions with respect thereto are observed. The contractor or subcontractor or any affiliated person shall also comply with such general rules and regulations concerning the deductions as the Secretary of Labor shall make from time to time, notice of which shall have been given to the contractor or subcontractor or any affiliated person making the deduction and to the Federal agency concerned either directly or through publication in the FEDERAL REGISTER. (Title 29-A Department of Labor Regulations 2.5 (g)) (29 CFR, Cum. Supp., 3.5 (g)).

§ 809.908-8 *Request for advisory opinions.* The Secretary of Labor will furnish an opinion regarding the coverage of any specific project or with respect to the application of any provisions of the regulations at the request of any Federal or State agency. Request for any such opinion shall be submitted

through the chief of the technical service to the Industrial Personnel Division, Headquarters, Army Service Forces, for submission through channels to the Secretary of Labor. (Title 29-A Department of Labor Regulations 2.7). (29 CFR, Cum. Supp., 3.7).

§ 809.909 *Alternative procedures for railway carriers.* By letters of 5 October 1942 and 22 January 1943 from the Secretary of Labor to the Secretary of War, a partial exemption regarding the submission of weekly reports described in § 809.908-1 was granted to railway carriers and an alternative method for obtaining permission of the Secretary of Labor to make certain types of deductions was approved. Copies of these letters may be obtained from the office of the Labor Branch, Industrial Personnel Division, Headquarters, Army Service Forces.

SUBPART D—DAVIS-BACON ACT

§ 809.910 *Basic law.* The act as amended requires as to every contract to which it applies:

(a) That a scale of minimum wages for every class of mechanics or laborers employed shall be set out in the specifications (in cases where specifications are advertised for bids)

(b) That a minimum wage scale must be included in the contract together with a stipulation that the same will be observed whether contracts are let on bids or not.

(c) The inclusion of certain additional provisions hereinafter referred to for the administration and enforcement of the required stipulations.

Act of 3 March 1931 (46 Stat. 1494) as amended by act of 30 August 1935 (49 Stat. 1011) act of 15 June 1940, (54 Stat. 399) and act of 23 March 1941, (55 Stat. 53-40 U.S.C. 276a, a-1 to a-7), M.L. 1939 and Sup. I, sec. 746.

§ 809.910-1 *Form of contract provision.* The form of provisions required by regulation in contracts to which the act applies is set out in § 803.343 (Title 29-A, Department of Labor Regulations 2.6) (29 CFR, Cum. Supp., 3.6).

§ 809.911 *Applicability: Character of contracts covered.* The act as amended applies to all contracts in excess of \$2000 to be performed in any of the States of the United States, the Territory of Alaska, the Territory of Hawaii or the District of Columbia, for construction, alteration or repair including painting or decorating of public buildings or public works where the same require or involve the employment of mechanics or laborers. The act applies to contracts entered into upon a cost-plus-a-fixed-fee basis or otherwise with or without advertising for bids, as well as to contracts entered into upon a lump sum basis.

§ 809.911-1 *Definition of "building" and "work."* The Secretary of Labor has, by regulation, defined the words "building" and "work" as including, generally, construction activity as distinguished from manufacturing, furnishing of materials, or servicing and maintenance work.

§ 809.911-2 *Definition of "construction," or "repair."* The Secretary of La-

bor has defined the above terms as used in the act and in the Copeland Act (see Subpart C of this part) as, in substance, including all types of work done under a construction contract such as altering, remodeling, painting and decorating, the transporting of materials and supplies to or from the building or work by the employees of the construction contractor or construction subcontractor and the manufacturing or furnishing of materials, articles, supplies, or equipment on the site of the building or work by persons employed at the site by the contractor or subcontractor. (Title 29-A Department of Labor Regulations 2.2 (b)) (29 CFR, Cum. Supp., 3.2 (b))

§ 809.911-3 *Exceptions as to contracts with States.* The law does not apply to contracts between the War Department and any one of the several States of the Union or the political subdivisions thereof. The law, however, is applicable to any subcontract covering any part of the work covered by such prime contract with a State (or political subdivision thereof) where it is sublet to a private contractor.

§ 809.911-4 *Exceptions based on nature of work contemplated by contract.* The act does not apply to:

(a) Contracts for servicing and maintenance work generally (Title 29-A, Department of Labor Regulations, 2.2 (a)) (29 CFR, Cum. Supp., 3.2 (a))

(b) Contracts for manufacturing and furnishing materials or supplies. (See Title 29-A, Department of Labor Regulations, 2.2 (a)) (29 CFR, Cum. Supp., 3.2 (a)) and servicing and maintenance work incident thereto.

(c) Contracts covering the furnishing of equipment and operating personnel for work only incidental to public work (see 19 Comp. Gen. 467, Dec. B-6009, 1 Nov. 1939.)

§ 809.911-5 *Exceptions, "Servicing and maintenance work" defined.* The terms "servicing and maintenance work" as used in paragraphs (a) and (b) of § 809.911-4, include:

(a) Movement of machinery into or out of or from one part to another part of a building or plant completed or substantially completed.

(b) Installation of machinery, machine tools or other equipment in a plant or building completed or substantially completed.

(c) Plant rearrangement and production facilities adjustment or alterations incident to (a) or (b) above.

NOTE: This definition in connection with paragraph (a) and (b) of § 809.911-4 does not relate to servicing and maintenance prosecuted by a construction contractor as a part of construction work.

§ 809.911-6 *Exceptions based on other grounds.* The act does not apply to:

(a) Contracts for construction, alteration or repair, though otherwise meeting the tests of coverage hereinabove set out, where the place of performance of the contract is not known or cannot be reasonably ascertained at the time the contract is negotiated.

(b) Contracts with railroad carriers and airline carriers engaged in interstate or foreign commerce, or subcontracts let to such carriers for the construction,

alteration or repair of railways, or other facilities, insofar as such contracts involve railways or other facilities and wage rates payable to employees of such carriers operating under collective bargaining agreements with such carriers made agreeable to the provisions of the Railway Labor Act, as amended. (Letter 14 March 1942 from the Secretary of Labor to the Secretary of War; and amendment dated 10 April 1936, 49 Stat. 1189, 45 U.S.C. 181 through 188, of the "Railway Labor Act" of 1926)

§ 809.911-7 *Determination by chief of technical service.* The act contemplates an administrative determination of the application of the law to particular contracts and the War Department is authorized to make such determination. The chief of the technical service involved will determine within his own office whether the foregoing regulations require the inclusion of Davis-Bacon (and Copeland) Act provisions in any particular contract. In cases of doubt the question, accompanied by full statement of the facts, shall be referred to the Industrial Personnel Division, Headquarters, Army Service Forces, for determination.

§ 809.912 *Regulations of the Secretary of Labor.* The regulations of the Secretary of Labor described in §§ 809.908 to 809.908-8, inclusive, where pertinent, are applicable to all contracts subject to the act. Regulation No. 503 issued by the Secretary of Labor 30 September, 1935, as amended, prescribes the procedures to be followed in predetermining prevailing rates of wages.

§ 809.913 *Obtaining predeterminations of prevailing wage rates.*

§ 809.913-1 *Responsibility of the Chief of Engineers.* The Chief of Engineers is responsible for obtaining from the Secretary of Labor and for furnishing to the technical services upon request, as provided in § 809.913-2, all predeterminations of prevailing wage rates under the Davis-Bacon Act required in connection with the award of War Department contracts.

§ 809.913-2 *Responsibility of contracting officers.* Prior to entering into negotiations for awarding a contract to which the Davis-Bacon Act is applicable, the contracting officer concerned will request the Corps of Engineers to furnish the appropriate predetermination of the wage rates to be contained in the contract. The contracting officer will forward such request direct to the Division Engineer of the Corps of Engineers within whose territorial jurisdiction the work called for by the proposed contract is to be performed unless the chief of the technical service concerned directs that the request be forwarded through his office. In the latter event the request will be forwarded through the chief of the technical service concerned to the Labor Relations Branch, Personnel Division, Office of the Chief of Engineers. Since predeterminations are subject to change, contracting officers are cautioned, in any case where a predetermination previously furnished by the Corps of Engineers is apparently applicable to the proposed contract, to

inquire whether such predetermination is current. (The territorial jurisdiction of the Division Engineers is coextensive with that of the service commands. For a list of the addresses of the Division Engineers with a statement of the service commands in which they are located, see 809.989.)

§ 809.914 *Reports of violations.* Where a contracting officer finds that any laborer or mechanic employed by a contractor or subcontractor on work subject to the act has been or is being paid wages less than the wages required by the contract to be paid, the contracting officer will make a report on Standard Form No. 1093 (schedule of deductions from payment to contractors) executed as completely as possible from his records to the disbursing officer. The latter will complete the execution of the form from his records and transmit it to the office indicated on the form. (Circular letter A-34106, 28 February 1936, of the Comptroller General.)

§ 809.915 *Policy regarding construction and maintenance work.* See Subpart F of Part 802.

SUBPART E—WALSH-HEALEY PUBLIC CONTRACTS LAW

§ 809.916 *General.* The Walsh-Healey Public Contracts Law (act of 30 June 1936, 49 Stat. 2036; as amended by the act of 13 May 1942, 56 Stat. 277; 41 U.S.C. 35-45; sometimes hereinafter referred to as the act) requires the inclusion of certain representations and stipulations in contracts to which the act applies. The act further provides that the Secretary of Labor, under certain circumstances, may make exceptions to this requirement. Contracting officers are furnished with publications containing the text of the Act and certain regulations and interpretations relating thereto of the Secretary of Labor, who is charged with its administration (see § 809.917). Accordingly this subpart is confined for the most part to matters relating to the act deemed of interest to War Department personnel not found in such publications. Provisions to be included in War Department contracts in compliance with the act may be found in § 803.353. The minimum wage determinations contemplated by the act made by the Secretary of Labor are set forth in §§ 809.994 to 809.994-44, inclusive. Also, reference is made to § 809.903-2 for a discussion respecting the convict labor provisions of the act and to § 802.297 (a-1) (19) for a statement of procedure satisfying the requirements of the Department of Labor with respect to reporting the award of War Department contracts subject to the act.

§ 809.917 *Publications to be furnished contracting officers.* The Secretary of Labor has published a document entitled "Walsh-Healey Public Contracts Act, Rulings and Interpretations, No. 2, September 29, 1939" and a supplement thereto, published 24 January 1944, entitled "Supplement to Rulings and Interpretations No. 2." These publications contain a compilation of the text of the act, the regulations of the Secretary of Labor relating thereto, and pertinent rulings and interpretations. The chiefs

of the technical services are responsible for furnishing these publications and a supply of the forms referred to therein to each of their contracting officers (it is no longer necessary to obtain Form PC-1 from the Department of Labor; see § 809.297 (a-1) (19)). Information of interest not found in these publications is set forth in §§ 809.920 and 809.921.

§ 809.918 *Contracts subject to the act.* Generally, the law is applicable to every War Department contract for the purchase of supplies the amount of which exceeds \$10,000. The publications furnished to contracting officers in accordance with § 809.917, as supplemented by pertinent provisions of §§ 809.920 and 809.921, define in detail the contracts to which the act applies.

§ 809.919 *General instructions.*

§ 809.919-1 *Compliance with regulations.* The regulations and instructions contained in the publications mentioned in § 809.917 as supplemented by § 809.920 and 809.921 will be complied with by all contracting officers.

§ 809.919-2 *Minimum wage determinations.* Prospective contractors will be informed of applicable minimum wage determinations, if any, in advance of or coincident with negotiating contracts. (For a list of such determinations see §§ 809.994 to 809.994-44, inclusive.)

§ 809.919-3 *Furnishing of posters.* Contracting officers are responsible for seeing that contractors who are awarded contracts subject to the Walsh-Healey Act are furnished Posters, Form PC-13 (Revised March 1944) simultaneously with the making of the award, or as soon thereafter as possible. All copies of previously issued posters which bear no revision date or a revision date other than March 1944, must be destroyed and be replaced by that revised issue. These forms may be obtained from the Records, Control and Distribution Section, Room 1106, Department of Labor, Washington 25, D. C. In this connection, see § 809.917.

§ 809.919-4 *Interpretations not found in publications furnished contracting officers.* (a) The succeeding paragraphs of this section set forth or refer to certain interpretations of the act or of the regulations issued thereunder not found in the publications mentioned in § 809.917.

(b) Pursuant to an opinion of the Solicitor's Office, Department of Labor, released 9 August 1944, contracts which were originally \$10,000 or less but are subsequently amended so as to increase the price to an amount in excess of that figure must contain the Walsh-Healey stipulations after such an amendment. This is so, irrespective of whether the amendment is the result of unilateral action by the War Department (under a change order or similar provision) or of mutual consent of the parties. With respect to contracts exceeding \$10,000 which are subsequently modified to a figure of \$10,000 or less, (1) the Walsh-Healey Act does not apply to any work performed thereunder after the date of modification if the reduction is effected by mutual consent of the parties, but (2)

the act would apply to such work if the reduction is effected by unilateral action of the War Department authorized by the contract.

(c) Ice has been held to be a non-perishable commodity and thus contracts therefor are subject to the act.

§ 809.921 *Exceptions not stated in the publications furnished contracting officers.* (a) The succeeding paragraphs of this section set forth or refer to certain exceptions not stated in the publications mentioned in § 809.917.

(b) Individuals, corporations, or other organizations, not manufacturers or regular dealers as defined by the act, but acting at the instance of Defense Production Associations certified by the War Production Board, are exempt from the representation and stipulation required by section 1 (a) of the act.

(c) The following are excepted from the representations and stipulations of section 1 of the act:

(1) Contracts awarded to any railroad or other carrier.

(2) Contracts awarded for preserved or processed butter during the period from 3 February 1943, to the termination of the present war and three months thereafter.

(3) Contracts awarded during the present war for:

(i) Orange marmalade.

(ii) The production of training films.

(4) Contracts awarded through 30 June 1945 for dehydrated rutabagas and carrots and for the canned and dehydrated fruits and vegetables set forth on page 3 of "Supplemental to Rulings and Interpretations, No. 2" (except milk, evaporated)

§ 809.923 *Procedure for obtaining exceptions with respect to the stipulations required by the act.*

§ 809.923-1 *General.* Section 6 of the act permits the Secretary of Labor to make exceptions to the requirement that the representations and stipulations of section 1 of the act be included in War Department proposals or contracts which are subject to the act. On 11 November 1942, the Secretary of Labor granted a partial exception permitting the employment of female persons between the ages of 16 and 18, under certain conditions (see "Supplement to Rulings and Interpretations No. 2"). Section 809.923-5 prescribes the procedure to be followed where a broader exception, through a modification of the conditions attached to such partial exception is sought. Sections 809.923-2 to 809.923-4 set forth the procedure to be followed when any other exception is sought.

§ 809.923-2 *Requests for exceptions and review thereof by contracting officers.* Except as provided in § 809.923-5, all requests of present or prospective War Department contractors for exceptions under section 6 of the act will be addressed to the chief of the interested technical service. Such requests of the contractor will be in writing, will be transmitted through the appropriate contracting officer, and will set forth all pertinent information, including the nature of the requested exception, the need therefor, and any action already taken

by the contractor to avoid the necessity for the exception. Upon receipt of such a request from a contractor, the contracting officer and the chief of the labor branch of the service command in which the facility or facilities in question are located (hereinafter referred to as the appropriate labor officer) and, in those instances when requests are from contractors of Army Air Forces, the Army Air Forces labor officer in whose district the facility or facilities are located, will review the request in the light of:

(a) The urgency of the particular procurement;

(b) The relation of existing production schedules to War Department requirements;

(c) The relation of present and past deliveries to production schedules;

(d) The extent to which labor supply is a limiting factor in production, the reasons therefor, and in particular, the extent to which the contractor's wage scale is responsible for the labor supply problem;

(e) The steps, if any, which have been taken either by the contractor or by any government agency to resolve the labor supply problem;

(f) The extent to which factors inherent in the production processes involved necessitate the requested exception;

(g) The extent to which the productive capacity of the facility or facilities in question is being utilized for War Department procurement; and

(h) Any other pertinent data.

§ 809.923-3 *Consultation with regional directors, Department of Labor, and forwarding requests to chiefs of technical services.* (a) If the contracting officer believes that the requested exception is appropriate under the circumstances and necessary in the war effort:

(1) The appropriate labor officer will inform the appropriate regional director of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, of the request for exception and the necessity therefor; and

(2) After joint consideration with such regional director, the contracting officer, if still of the opinion that the requested exception is appropriate, will transmit the request together with (i) his written recommendation relative thereto, (ii) a statement of all the information upon which the recommendation is based and (iii) a recital of the steps taken in compliance with the procedure set forth in § 809.923-2 and this section, to the chief of the interested technical service. (A list of such regional directors is given in § 809.991.)

(b) The procedure set forth in paragraph (a) of this section with respect to such regional director will be complied with unless such compliance would result in undue delay. The contracting officer and the appropriate labor officer, in consulting with the appropriate regional director, will furnish him any pertinent information in their possession which he may require for rendering a report in connection with the need for the exception to the Administrator of the Wage and Hour and Public Contracts Divisions.

§ 809.923-4 *Review and processing of requests by chief of the technical service.* If the chief of the interested technical service concurs in the recommendation of the contracting officer, after review of the request and consideration as to whether the need for an exception can be avoided by utilization of alternative facilities, he will forward the request to the Industrial Personnel Division, Headquarters, Army Service Forces, through the Purchases Division, Headquarters, Army Service Forces, together with:

- (a) A statement of all pertinent data;
- (b) His recommendation;
- (c) A letter setting forth the need for the exception; addressed to the Secretary of Labor and prepared for the signature of the Secretary of War; and
- (d) Findings of fact as required by section 6 of the act, prepared for the signature of the Secretary of War.

§ 809.923-5 *Special procedure with respect to exception relative to employment of female minors.* If a present or prospective War Department contractor requests a modification of any of the conditions attached by the Secretary of Labor to her exception of 11 November 1942, in respect to the employment of female persons between 16 and 18 years of age, mentioned in § 809.923-1, the request will be processed in the same manner as other requests for exceptions under section 6 of the act, as provided in §§ 809.923-2 to 809.923-4, except as follows:

- (a) The request will be addressed to the Secretary of Labor;
- (b) If the chief of the technical service believes that the requested modification is appropriate under the circumstances and necessary in the war effort, he will transmit the request directly to the Administrator, Wage and Hour and Public Contracts Divisions, United States Department of Labor, with a brief statement of the need for the modification.

SUBPART F—FAIR LABOR STANDARDS ACT OF 1938

§ 809.930 *Basic law.* (a) The act establishes minimum wages and maximum hours for employees engaged in commerce or in the production of goods for commerce, and restricts the use of child labor. Only those provisions of the act relating to minimum wages and maximum hours as they affect cost-plus-a-fixed-fee contractors are dealt with in this subpart.

(b) Section 6 (a) of the act requires every employer to pay to each of his employees (except homeworkers in Puerto Rico and the Virgin Islands) "who is engaged in commerce or in the production of goods for commerce" not less than 30 cents per hour or, if the Administrator of the Wage and Hour Division of the Department of Labor in accordance with the act shall have prescribed some other rate, not less than the rate (not in excess of 40 cents per hour) so prescribed by the Administrator.

(c) Section 7 (a) of the act prohibits every employer from employing any of his employees "who is engaged in commerce or in the production of goods for commerce" for a workweek longer than

40 hours, unless such employee receives compensation for his employment in excess of such 40-hour workweek at a rate not less than one and one-half times the regular rate at which he is employed. Employment pursuant to bona fide collective bargaining agreements providing for employment for not more than 1000 hours during any period of 26 consecutive weeks or for not more than 2080 hours during any period of 52 consecutive weeks, and employment for a period or periods of not more than 14 workweeks in the aggregate in any calendar year in an industry found by the Administrator to be of a seasonal nature will not constitute a violation of section 7 (a) if employees receive compensation for employment in excess of 12 hours in any workday or in excess of 56 hours in any workweek at a rate not less than one and one-half times the regular rate at which they are employed. Neither does section 7 (a) apply, under stated circumstances, to employees engaged in processing certain perishable products. Act of 25 June 1938, 52 Stat. 1060, 29 U. S. Code Section 201-219 (Supp. 1939) as amended by 53 Stat. 1266; 54 Stat. 615; and Act of 29 October 1941 (77th Congress, 1st Sess.)

§ 809.931 *Exceptions.* The provisions of sections 6 and 7 of the act do not apply with respect to:

- (a) Any employee employed in a bona fide executive, administrative, professional, or local retailing capacity, or in the capacity of outside salesman (as such terms are defined and delimited by regulations of the Administrator) or
- (b) Any employee engaged in any retail or service establishment the greater part of whose selling or servicing is in intrastate commerce; or
- (c) Any employee employed as a seaman; or
- (d) Any employee of a carrier by air subject to the provisions of title II of the Railway Labor Act; or
- (e) Any employee employed in the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life, including the going to and returning from work and including employment in the loading, unloading, or packing of such products for shipment or in propagating, processing, marketing, freezing, canning, curing, storing, or distributing the above products or byproducts thereof; or

(f) Any employee employed in agriculture; or

(g) Any employee to the extent that such employee is exempted by regulations or orders of the Administrator issued under section 14 (which permits the issue of regulations and certificates allowing learners, apprentices, messengers and individuals whose earning capacity is impaired by age, physical or mental deficiency, or injury to be employed for lower wages than those prescribed by section 6) or

(h) Any employee employed in connection with the publication of any weekly or semiweekly newspaper with a circulation of less than three thousand the major part of which circulation is

within the county where printed and published; or

(i) Any employee of a street, suburban, or interurban electric railway, or local trolley or motor bus carrier; or

(j) To any individual employed within the area of production (as defined by the Administrator), engaged in handling, packing, storing, ginning, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or in making cheese or butter or other dairy products; or

(k) Any switchboard operator employed in a public telephone exchange which has less than five hundred stations.

§ 809.932 *Regulations of the Administrator.* The act provides that the Administrator shall by regulation define certain terms used in the Act and may grant certain exemptions from its provisions. Regulations issued by the Administrator, as revised from time to time, should be consulted in these respects.

§ 809.933 *Liability of employer.* Any employer who violates the provisions of section 6 or 7 of the act is liable to the employee or employees affected in the amount of their unpaid minimum wages, or their unpaid overtime compensation, and in an additional equal amount as liquidated damages; and, in the event the employee institutes suit therefor, the costs of the action and a reasonable attorney's fee as allowed by the court. Violations also may be restrained by injunction and may subject the employer to criminal penalties.

§ 809.934 *Reimbursement of cost-plus-a-fixed-fee contractors for payments in accordance with the act.* Minimum wages and overtime payments paid currently in accordance with the act are reimbursable to cost-plus-a-fixed-fee contractors as labor costs. Cost-plus-a-fixed-fee contractors also may be reimbursed, in proper cases, amounts paid in settlement of claims for overtime subsequently asserted by his employees. (See § 809.935-2 for the administrative procedure to be followed in respect of such of said subsequently asserted claims are made the subject of an investigation by the Administrator and § 811.1120 (c) for the administrative procedure to be followed to determine the position of the Government in suits for such claimed overtime brought against cost-plus-a-fixed-fee contractors.) Attention is called to the Comptroller General's decision of 15 December 1943 (B-38642, 23 Comp. Gen. 439) to the effect that amounts paid in settlement of such claims may be reimbursed even though the settlements necessitated a compromise of disputed questions of law or fact: *Provided*, That such settlements are in amounts less than the total amounts (including liquidated damages, court costs and attorneys fees) which would be required to be paid in the event the employee sued and obtained judgment and that it is administratively determined that the settlement in each instance was fully warranted as being in the best interest of the Government. Vouchers covering such payments should be supported by evidence setting forth the basis

for such administrative determination and any questions of law with respect to the application of the act should be determined by the contracting officer only after thorough consideration has been given the matter by competent Government attorneys or by private attorneys engaged to represent the contractors if the former are not available, and a showing to that effect should also be made a part of the evidence submitted with the vouchers.

§ 809.935 Investigations and inspections.

§ 809.935-1 Investigations and inspections of records by the Administrator. Each employer subject to the act or any order issued thereunder must make and preserve such records of the persons employed by him and of the wages, hours and other conditions and practices of employment maintained by him, and make such reports therefrom, as the Administrator shall prescribe by regulation or order as necessary or appropriate for the enforcement of the provisions of the act or his regulations or orders thereunder. The act provides that the Administrator or his designated representatives may investigate and gather data regarding the wages, hours and other conditions and practices of employment in any industry subject to the act and may enter and inspect such places and such records, question such employees and investigate such facts, conditions, practices or matters as he may deem necessary or appropriate to determine whether any person has violated any provision of the act, or which may aid in the enforcement of the provisions of the act.

§ 809.935-2 Investigations of cost-plus-a-fixed-fee contractors. (a) The Under Secretary of War, by memorandum dated 15 December 1943 to the Commanding Generals of the Army Air Forces and the Army Service Forces, has directed, with respect to investigations of cost-plus-a-fixed fee contractors of the War Department, that: To the extent consistent with security and other regulations governing admission of visitors to plants and projects, representatives of the Administrator should be accorded access to the facilities and records of War Department contractors for the purpose of making investigations to determine applicability of and compliance with the act. Investigations will be conducted at such time and in such manner as to interrupt or interfere least with operations. They should be confined wherever possible to the inspection of records in the office of the contractor. Inspections of the areas in the facility where construction or production is in progress will be held to a minimum. Necessary interviewing of employees should, wherever possible, be conducted outside work hours or at such other times as will interfere least with construction or production operations.

(b) The Administrator has stated that his investigators will advise cost-plus-a-fixed-fee contractors approximately one week before they plan to arrive at the project to make an investigation under the act. The War Department repre-

sentative at the plant will see that the investigation is conducted in accordance with such directive of the Under Secretary of War.

(c) If the Administrator is of the opinion that any such investigation discloses violation of section 6 or 7 of the act, he will transmit a report of the investigation to the Director, Industrial Personnel Division, Headquarters, Army Service Forces, who will transmit it to the appropriate technical service. The technical service will cause the matter to be examined into and, if such examination confirms such violation, will advise the contractor to take appropriate steps to comply with the law. The technical service promptly will report to the Director, Industrial Personnel Division, Headquarters, Army Service Forces, as to its examination into the matter and as to the action taken. If the question as to whether a violation exists depends upon a construction of a provision of the act which has not been construed by the courts or under the procedure provided in the agreement referred to in § 811.1120 (c) the Judge Advocate General will be consulted as to the construction to be followed.

**SUBJECT G—OVERTIME WAGE COMPENSATION
REGULATIONS RELATING TO OVERTIME WAGE
COMPENSATION**

§ 809.940 Executive order Executive Order No. 9240, dated September 9, 1942 (7 F.R. 7159) with Section V as amended by Executive Order No. 9248, dated September 17, 1942 (7 F.R. 7419), reads as follows:

WHEREAS many labor organizations have already adopted the patriotic policy of waiving double time wage compensation or other premium pay for work on Saturday, Sunday and holidays, as such, for the duration of the war; and

WHEREAS it is desirable and necessary in the prosecution of the war, and to insure uniformity and fair treatment for these labor organizations, employers, and employees who are conforming to such wage policies that this principle be universally adopted:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the statutes, as President of the United States and as Commander in Chief of the Army and Navy, it is hereby ordered:

I. That the following principles and regulations shall apply for the duration of the war to the payment of premium and overtime wage compensation on all work relating to the prosecution of the war:

A. No premium wage or extra compensation shall be paid to any employee in the United States, its territories or possessions, for work on Saturday or Sunday except where such work is performed by the employee on the sixth or seventh day worked in his regularly scheduled workweek and as hereinafter provided.

(1) Where because of emergency conditions an employee is required to work for seven consecutive days in any regularly scheduled workweek a premium wage of double time compensation shall be paid for work on the seventh day.

(2) Where required by the provisions of law or employment contracts, not more than time and one-half wage compensation shall be paid for work in excess of eight hours in any day or forty hours in any workweek or for work performed on the sixth day worked in any regular scheduled workweek.

B. No premium wage or extra compensation shall be paid for work on customary holidays except that time and one-half wage compensation shall be paid for work per-

formed on any of the following holidays only:

New Year's Day
Fourth of July
Labor Day
Thanksgiving Day
Christmas Day

and either Memorial Day or one other such holiday of greater local importance.

II. All Federal departments and agencies shall conform the provisions in all existing and future contracts negotiated, executed, or supervised by them to the policies of this order. All such departments and agencies shall immediately open negotiations to alter provisions in existing contracts to conform them to the requirements of this order.

III. Nothing in this order shall be construed as requiring a modification of the principle that every employer should have at least one day of rest in every seven days. The continuous operation of plants and machines in prosecuting the war does not require that employees should work seven consecutive days.

IV. Nothing herein shall be construed as superseding or in conflict with the provisions of the statutes prescribing the compensation, hours of work and other conditions of employment of employees of the United States.

V. All Federal departments and agencies affected by this order shall refer to the Secretary of Labor for determination questions of interpretation and application arising hereunder. In any industry or occupation in which the Secretary finds that a wage stabilization agreement approved by a Government department or agency is operating satisfactorily, or in any industry or occupation in which the Secretary finds that the nature and exigencies of operations make such action necessary or advisable for the successful prosecution of the war, the Secretary may determine that any or all of the provisions of this order shall not apply to such industry or occupation or to any classes of employees therein.

VI. The provisions of this order shall become effective October 1, 1942.

FRANKLIN D. ROOSEVELT

§ 809.941 Elimination of inconsistencies through amendment of contracts; nonreimbursement, etc. By memorandum dated September 17, 1942, (See ASF Cir. No. 65, 1942) the Under Secretary of War acting jointly with the Under Secretary of the Navy and the Chairman of the Maritime Commission, issued instructions reading in part as follows:

2. Wherever any contract of the War Department, the Navy Department, or the Maritime Commission contains a provision which requires the payment of overtime or premium wages in a manner inconsistent with the provisions of Executive Order No. 9240, contracts will be amended to eliminate such inconsistency for the period beginning October 1, 1942, and no future contract will contain any such inconsistent provision. It is not required that any amendment be made of the usual contract articles included with respect to the provisions of the Walsh-Healey Act, the Eight Hour Law, and the Fair Labor Standards Act of 1933, all as amended.

3. On and after October 1, 1942, no reimbursement of cost will be made under any cost-plus-a-fixed-fee contract nor will any recognition be given for inclusion in the case of Navy so called "price-minus" contracts, of any cost which represents the payment of premium or overtime compensation at rates or under circumstances which are not permitted by the foregoing order.

§ 809.942 Interpretations of the order. Prior to February 17, 1943, the Secretary of Labor issued various interpretations of Executive Order 9240 which were formerly incorporated in these procure-

ment regulations. On February 17, 1943, the Secretary of Labor issued "Interpretative Bulletin No. 1 of Executive Order 9240." This bulletin contains the official interpretations of the order, effective March 1, 1943. It supersedes the former interpretations. The bulletin interpretations are set forth in the following sections. As additional interpretations are issued, this subpart will be amended to include such interpretations. All of the earlier interpretations have been deleted, although payments made prior to March 1, 1943, pursuant to these earlier interpretations should be considered to have been in compliance with the order.

§ 809.942-1 *Basic purposes of the order as stated by the Secretary of Labor.* The order was designed (a) to facilitate round-the-clock war production, (b) to discourage absenteeism found to have resulted from the practice of paying premium rates for particular days as such, and (c) to assure, in the interest of efficiency and health, observance of the principle that workers should have at least one day of rest in each week.

§ 809.942-2 *Work to which order is applicable.* The order went into effect October 1, 1942. By its terms it applies to "all work relating to the prosecution of the war." This is interpreted to mean all work performed by prime contractors on Government war contracts, by their subcontractors, and those who make the materials and supplies necessary for the performance of such contracts and subcontracts. The order was intended to extend to enterprises which are engaged in producing, processing, mining, or manufacturing products used by the Government in the prosecution of the war or products used by a Government contractor or subcontractor in the manufacture of war products. Enterprises which provide public transportation or communication facilities, storage, distribution, or warehousing facilities, are not covered by the order. Accordingly, employees of railroads, air lines, bus lines, trucking lines or other common or contract carriers, seagoing personnel, longshoremen, dock workers, and similar waterfront workers, are not within the scope of the order. Employees of telephone and telegraph companies and radio stations, engaged in the normal communication operations of such companies, as well as employees of newspapers, magazines, and other periodicals which disseminate general information to the public at large are also excluded. Employees of power and light, water, gas and other public utility companies which merely furnish power and other facilities to the general public are not covered even though some of their output is supplied to war contractors. On the other hand, a power plant operated, for example, by a war manufacturer furnishing power or light, or other services to the factory would properly be regarded as a plant facility and would be subject to the order. Also firms engaged exclusively in distribution which do not process any war products would not be covered. Accordingly, employees of wholesalers, retailers, storage warehouses and brokers would be exempt if

their employers are not engaged in any processing activity. Agricultural workers and employees of Federal or State Governments, and political subdivisions thereof, are not subject to the order.

§ 809.942-3 *Classes of employees to which order is applicable.* The order should be applied on the basis of operations carried on in an individual plant. Therefore, if a particular plant is engaged in war work which is within the scope of coverage, the entire plant would be subject to the order, including production, clerical, and maintenance employees. In cases where an employer in a particular plant is engaged both in the production of war goods and in noncovered work the order would apply to the entire plant in the absence of segregation. If an employee works an entire workweek exclusively in noncovered production, and his duties do not contribute or relate to work which is subject to the order, such an employee would not be covered by the order for that week. On the other hand, if that employee works a portion of a week in the performance of any function contributing to the production of war goods, he would be subject to the order for the entire workweek. The burden of establishing segregation is upon the employer. The order would apply to any employee engaged in covered work if his compensation is customarily or by requirements of applicable statutes or agreements related to the number of hours worked in a day or the number of days worked in a week.

§ 809.942-4 *Saturday and Sunday work.* Paragraph I A of the order prohibits premium wages or extra compensation for work performed on Saturday or Sunday as such, that is, for work performed on either of those days without reference to the number of hours or days previously worked in the workweek. Any attempt to clothe any other day in the workweek with the status of a premium day, as such, would be contrary to the order.

§ 809.942-5 *Double time for seventh day.* Paragraph I A (1) of the order requires the payment of double time for work on the seventh consecutive day worked in any regularly scheduled workweek. Under this requirement double time may be paid only if all 7 days fall within the same workweek. Double time for work performed on the seventh day should be computed at twice the straight-time rate paid for work on that day or twice the average straight-time hourly rate for the workweek, whichever is the customary method of computing overtime compensation. The employer's records should indicate which method is adopted.

§ 809.942-6 *The workweek.* A workweek consists of 7 successive days (see § 809.942-7) starting on the same calendar day each week. This is definition of a workweek under the Fair Labor Standards Act and is generally accepted by industry. The workweek may be established for the whole plant, for particular employees, or for any subdivision of the plant. The beginning of the workweek may be changed if not intended to evade the requirements of the order. The order does not call for or

require any particular work or shift schedule nor does it prescribe the days or hours on which work is to be performed. It is of course highly desirable that work schedules be posted in advance, thus enabling employees to know upon what days work will be required of them.

§ 809.942-7 *The work day.* The order is to be applied on a 24-hour day basis. A 24-hour period may be established as the workday for the plant or for particular employees or departments, *Provided* such an arrangement is not designed to evade the purposes of the order. In the event no particular 24-hour period is established as the workday, the calendar day (i. e., from midnight to midnight) shall be considered as the workday. Thus, work on an established workday regardless of the number of hours worked would, for the purpose of the order, be considered as 1 day of work.

§ 809.942-8 *Exceptions as to work day.* Certain exceptions to this rule must be recognized. At times a shift may cut across 2 workdays. Only 1 of the 2 days is to be counted as a day worked, and that is the day on which the shift starts. Where an employee on particular occasions works beyond his normal shift and thereby works into the next workday, such excess hours should not be regarded as an additional day. However, if the employee continues to work into his day of rest to the extent of one-half his normal shift or is called back to work on his day of rest, that day must be counted as a day of work.

§ 809.942-9 *Effect of the order on applicable statutes and employment contracts.* Such provisions of employment contracts as are in conflict with the order are to that extent modified thereby. Employment contracts or agreements as those terms are used herein include practices established by custom or usage. Paragraph I A (2) contemplates that applicable statutes such as the Fair Labor Standards Act and the Walsh-Healy Act, or employment agreements which provide for overtime at time and one-half on a daily or weekly basis or for the sixth day of work in a regularly scheduled workweek, shall not be disturbed by the provisions of the order. Therefore, in situations where applicable laws or employment agreements require time and one-half for overtime worked in excess of 8 hours per day or 40 hours per week, the order permits the payment of time and one-half for such overtime. Likewise, where an employment contract requires time and one-half compensation for the sixth day worked in a regularly scheduled workweek, the order permits such premium pay. If overtime compensation for hours in excess of 8 per day or 40 per week, or for the sixth day worked is not required by applicable statutes or employment agreements, nothing in the order requires the payment of such premium rates.

§ 809.942-10 *Contracts for premium pay unrelated to work on particular days as such.* It is not the purpose of the order to disturb employment contracts which contain provisions for extra compensation for onerous work, night work,

or emergency work (i. e., work resulting from a sudden condition calling for immediate action) which extra compensation is in no way related to premium pay for work on Saturday, Sunday, or particular days as such. Accordingly, the order would not invalidate contracts, practices, or customs calling for more than time and one-half for hours in excess of 12 on a shift since such work is ordinarily regarded as particularly onerous. Likewise, the order would not invalidate contracts calling for premium pay for "call-in work" where the employee is summoned to duty outside his regular work schedule, and such premium rates are unrelated to work on Saturday, Sunday, or any other day as such. Furthermore, the order does not prevent the payment of shift wage differentials or bonuses, or attendance bonuses, where such payments are not in fact related to work performed on Saturday, Sunday, or particular days, as such.

§ 809.942-11 *Holidays; choice of sixth holiday.* Paragraph I B of the order has two requirements: (a) It requires time and one-half for work on the 6 holidays enumerated in the order, and (b) it forbids payment of any premium wage or extra compensation for work on any other holidays as such. A choice is afforded between Memorial Day and any other holiday of greater local importance. Failure to select a substitute holiday leaves Memorial Day as the sixth holiday under the order. The holiday chosen as a substitute for Memorial Day need not be the same holiday each year but only 6 holidays may be paid for at premium rates in the 12-month period beginning October first.

§ 809.942-12 *Holidays; computation of premium pay.* The order requires that time and one-half compensation be paid for work on designated holidays but forbids payment in excess of time and one-half. Thus, if the wages of an employee include compensation for a holiday although not worked, the additional amount which must be paid under the order for work performed on that holiday is limited to such amount, as brings the total compensation for the day to time and one-half. Compensation for work performed on a holiday should be computed at one and one-half times the straight-time rate paid for work on that day or one and one-half times the average straight-time hourly rate for the workweek, whichever is the customary method of computing overtime compensation. The employer's record should indicate which method is adopted.

§ 809.942-13 *Holidays; inclusion of holidays in computing sixth and seventh days.* For purposes of computing the seventh day of work in a workweek under the order, the designated holidays must be included in the count whether or not work is performed on such days. An idle holiday should be included in computing the sixth day worked in the workweek unless the employment contract specifies otherwise.

§ 809.942-14 *Holidays; determination of what constitutes work on holidays.* Insofar as the order requires payment of time and one-half for work on the

designated holidays, it means payment of time and one-half for the hours worked on the calendar holiday, namely, hours worked between midnight at the beginning of the holiday and midnight at the close of the holiday. However, in order to give all employees equal benefit of the holiday, it is permissible to compensate employees at time and one-half for all hours worked on a shift, some part of which cuts across the calendar holiday. It is not permissible to pay the time and one-half holiday rate for more than one shift in a situation in which the employee works two shifts, both of which cut across the calendar holiday. However, employees must be paid time and one-half for at least all the hours worked on the calendar holiday. If one of the designated holidays falls on Sunday, either Sunday or Monday may be observed as the holiday, but not both.

§ 809.942-15 *Holidays; not worked.* There is no provision in the order relating to compensation on holidays not worked.

§ 809.942-16 *Holiday pay not offset against other premium pay.* The time and one-half premium pay required for work on the 6 holidays designated in the order may not be offset or credited against overtime or premium pay required for any other day or portion of the workweek by virtue of this order or applicable statute, such as the Fair Labor Standards Act, the Walsh-Healey Act, or the Federal Eight-Hour Law, but whether holiday premium pay can be credited against overtime compensation due under a contract for other hours depends on the terms of the contract. For example, an employee works 6 days of 8 hours each or a total of 48 hours in a workweek. The second day is one of the designated holidays and the 8 hours worked on that day must be paid for at time and one-half. This premium pay may not be credited or offset against the time and one-half required by statute for hours over 40 during that week. Both must be paid.

§ 809.942-17 *Seventh day pay not offset against other premium pay.* Similarly, the double time required for the seventh consecutive day worked in the workweek may not be offset or credited against overtime or premium pay required for any other day or portion of the workweek by the order or existing law. Thus, if in the example in § 809.942-16, the employee works an additional or seventh consecutive day in the same workweek, he must receive double time for that day. This double time may not be offset or credited against the holiday premium pay in this example, nor against the time and one-half due for the hours worked in excess of 40 prior to the seventh day.

§ 809.942-18 *Pyramiding not permitted of overtime or premium rates on a particular day.* On the other hand, it is contrary to the purposes of the order to allow the pyramiding of overtime or premium rates on a particular day. Thus, double time and no more may be paid for work on the seventh consecutive day worked in the workweek even though, by virtue of the employment contract or applicable statute, the hours worked on

that day may exceed 8 or are in excess of 40 for the workweek or otherwise call for overtime rates of pay. For example, an employee works all 7 days of the workweek, 8 hours each day. The hours worked on the seventh day call for time and one-half under the Fair Labor Standards Act and double time under the order. The two premium rates may not be pyramided—only double time may be paid for work on that day. The same is true even though the employee works over 8 hours on the seventh day, which excess hours may also call for time and one-half. Also, since the order limits premium pay for the designated holidays to time and one-half, it would be contrary to the order to pyramid the holiday rate and the weekly overtime rate required, for example, by the Fair Labor Standards Act, in cases where the holiday itself consists of hours in excess of 40 for the week. For example, the employee works 6 days of 8 hours each. The hours worked on the last day call for time and one-half under the Fair Labor Standards Act. The last day is also a holiday designated in the order. The order limits pay on that day to time and one-half. For the same reason, where the holiday coincides with the sixth day worked in the workweek, which day by contract may also call for time and one-half, the order prevents the pyramiding of the two overtime rates. Likewise, not more than time and one-half may be paid for work on the sixth day worked in the workweek even though the hours worked on that day may be in excess of 8 for the day or 40 for the week. Even though the hours worked on the holiday in excess of 8 require time and one-half under the Walsh-Healey Act, the order limits the amount of compensation to time and one-half and prevents the pyramiding of overtime rates or the hours worked in excess of 8.

§ 809.942-19 *Absences; full days of absence.* (a) If an employee is absent for all of one of more days, such days are not to be included in computing the seventh day. The only two exceptions to this rule are a designated holiday on which no work is performed and the case where an employee reports with the reasonable expectation of work and is sent home because of a lack of work or other reason beyond his control. Such days should be counted in computing the seventh consecutive day.

(b) With respect to the inclusion of full days of absence for the purpose of determining whether a sixth day has been worked, the answer is to be found in the prevailing custom, practice, or agreement, in the plant. However, the counting of days of absence merely for the purpose of evading the prohibition in the order against premium pay for Saturday and Sunday work as such would be in contravention of the terms of the order.

§ 809.942-20 *Absences for parts of workdays.* (a) The order does not require that any particular number of hours be worked in a day for that day to be regarded as a day worked under the order.

(b) Where an employee is absent for part of a workday for a justifiable rea-

son, the day must be counted as a day worked for the purpose of computing the seventh day of work in the workweek. Since one of the basic purposes of the order is to discourage absenteeism, days on which an employee does not work his full schedule but absents himself for a portion of the day without justifiable cause should not be counted in computing the seventh day. It is permissible, however, for the employer to allow the employee to make up the time lost by such voluntary absence during the subsequent days of the workweek, and be compensated at the rate of double time on the seventh day of the workweek for hours worked on that day. However, double time may be paid on the seventh day only for those hours worked after the time lost has been made up by the employee.

(c) In computing the sixth day worked in the workweek, the question as to inclusion of days on which the employee has been absent for a portion of the day may be determined by the prevailing custom, practice, or agreement in the plant, provided days are not counted merely for the purpose of evading the prohibitions against premium pay for Saturday and Sunday, as such.

§ 809.942-21 *Relationship of Executive Order 9240 to 9250.* Payments required or forbidden by the terms of Executive Order 9240 do not, in the opinion of the Secretary of Labor, as stated in Interpretative Bulletin No. 1, require approval of the WLB as wage increases or decreases under the terms of Executive Order 9250. In situations where changes in the wage structure or premium rates are permitted but not required by Executive Order 9240, the procedures for the approval of wage increases as stated in Subpart H of Part 809 should be followed before such changes are initiated by the employer.

§ 809.942-22 *National War Labor Board approval requirements for premium pay on sixth day of workweek.* On May 31, 1943, the National War Labor Board adopted a resolution to the effect that, where, pursuant to the terms of a collective bargaining agreement, or the custom and practice in a plant, a premium rate or extra compensation was regularly paid, prior to October 1, 1942, for services performed on Saturday, as such, not more than time and one-half premium wage compensation may be paid without the approval of the National War Labor Board, for services performed on the sixth day of work in the regularly scheduled workweek, in accordance with the provisions of Executive Order 9240.

§ 809.943 *Exceptions to Executive Order 9240.*

§ 809.943-1 *Shipbuilding stabilization agreement.* The Secretary of Labor on February 25, 1943, pursuant to Executive Order 9248, issued an order determining that the provisions of Executive Order 9240 shall not apply after March 2, 1943, to the shipbuilding and ship repair industry.

The Secretary's order is based on a finding that the Zone Standards Agreements for the Shipbuilding and Ship

Repair Industry, and the Pacific Coast Repair Agreements, approved by the Government departments and agencies concerned with shipbuilding and ship repair work, are operating satisfactorily to stabilize overtime practices in the industry. The exemption is not limited, however, to companies which are parties or subject to these wage stabilization agreements, but is applicable to the entire shipbuilding and ship repair industry.

The shipbuilding and ship repair industry, for the purposes of the Secretary's order, includes generally construction, conversion, outfitting, and repair of any floating marine structures, including floating drydocks. Many preliminary processes and the manufacture of many parts and products which are eventually used in the building of a ship are, however, not included. For example, the manufacture of prefabricated parts in steel mills or sawmills is not included in the industry.

The construction, conversion, outfitting, and repair activities which are considered within the shipbuilding and ship repair industry are those which are performed in the water, in drydocks, in basins, on ways for launching, or on the premises of a shipyard or boatyard. The exemption covers all employees of companies which are engaged in such activities, including maintenance, clerical and technical employees, and including also employees who may be assigned to work away from the shipyard such as draftsmen employed by the shipyard and temporarily stationed in the office of an independent drafting concern, working on plans for the shipyard. However, employees of "uptown shops" are not within the exemption.

§ 809.943-2 *Building trades stabilization agreement.* (a) Except as indicated in paragraph (b) below, work on construction projects subject to the Wage Stabilization Agreement for the Building and Construction Trades Industry engaged in War Construction (July 1941) is exempted from the provisions of Executive Order 9240. The Agreement is entitled "Memorandum of Agreement between the Representative of Government Agencies Engaged in Defense Construction and the Building and Construction Trades Department of the American Federation of Labor." (See Order, Secretary of Labor, September 30, 1942.)

(b) On May 22, 1943, the Secretary of Labor determined that for the duration of the war, paragraph 1 (B) of Executive Order 9240, which recognizes the following six holidays only: New Year's Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, and Memorial Day, and requires compensation at the rate of time and one-half for work performed on such holidays, applies to work on construction projects which is subject to the Wage Stabilization Agreement for the Building and Construction Industry. *Provided*, That the clause in the Executive order permitting the substitution of one holiday of greater local importance than Memorial Day does not apply to such work. (See Determination, Secretary of Labor, May 22, 1943.)

(c) While work covered by the Building Trades Stabilization Agreement has

been exempted from the order, the holiday provisions of the order (paragraph 1 (B)) have been incorporated in the Stabilization Agreement by resolution of the Board of Review, which performs the function of administering the Stabilization Agreement. (Interpretative Resolution No. 2 of the Board of Review passed on November 10, 1942.)

§ 809.943-3 *Sugar processing industry.* The Secretary of Labor on March 24, 1943, pursuant to Executive Order 9248, issued an order determining that in the case of an employer engaged in the processing of sugar beets or sugar cane into sugar (but not refined sugar) or into syrup, the provisions of section 1A(1) of Executive Order 9240 (requiring the payment of double time compensation on the seventh consecutive day of a regularly scheduled workweek) shall not apply to his employees in any place of employment where he is so engaged.

§ 809.943-4 *Fish processing industry.* The Secretary of Labor on April 24, 1944, pursuant to Executive Order 9248, issued an order determining that the provisions of Executive Order 9240 shall not apply to employees engaged in the processing of fish, including the canning and reduction thereof, and operations incidental thereto, in the United States, its territories, and possessions.

§ 809.943-5 *Fruit and vegetable packing and canning industries.* The Secretary of Labor on August 25, 1943, pursuant to Executive Order 9248, issued an order determining that in the case of an employer engaged in the first processing of, or in canning or packing, perishable or seasonal fresh fruits and vegetables, the provisions of Executive Order 9240 shall not apply to his employees in any place of employment where he is so engaged.

§ 809.943-6 *Milk processing industry.* The Secretary of Labor on October 22, 1943, pursuant to Executive Order 9248, issued an order determining that in the case of an employer engaged in the first processing of milk, whey, skimmed milk, or cream into dairy products, the provisions of Executive Order 9240 shall not apply to his employees in any place of employment where he is so engaged.

§ 809.944 *Future interpretations.* Section V of Executive Order No. 9240, as amended, requires that all questions regarding its interpretations and application be referred to the Secretary of Labor. Such questions requiring action by the Secretary of Labor, insofar as they are posed by representatives of the War Department, will be directed, through channels, to the Director, Industrial Personnel Division, Headquarters, Army Service Forces, who will take any necessary steps to obtain such interpretations in appropriate cases. The Director, Industrial Personnel Division, will clear with the Director, Purchases Division, all such questions relating to contracting or procurement procedure. Interpretations of Executive Order 9240, made by the Secretary of Labor from time to time will be promptly forwarded to the chiefs of technical services, and will be summarized for inclusion in this Subpart G. Auditors, finance officers, and other

persons reviewing War Department vouchers and payments will present to the Director, Industrial Personnel Division, through the Office of the Fiscal Director, Headquarters, Army Service Forces, all requests for instructions as to the application of the Executive order to fiscal matters.

§ 809.944-1 *Requests for interpretations will be prepared in the following form and submitted in triplicate.* (a) A brief statement of the question for which interpretation is requested.

(b) A statement as to the person, official, department, or organization requesting the interpretation.

(c) Any facts or comments which are necessary for interpretation. These comments should not exceed one or two paragraphs.

SUBPART H—WAGE AND SALARY STABILIZATION

§ 809.950 *General.*

§ 809.950-1 *Scope of section.* This section deals with the national wage and salary stabilization program. The Stabilization Act of 1942, as amended (sometimes hereinafter referred to as "the Act") authorizes and directs the President, among other things, and subject to certain limitations, (a) to issue a general order stabilizing wages and salaries affecting the cost of living on the basis, unless otherwise provided, of the levels which existed on September 15, 1942, and (b) generally to provide for the making of adjustments with respect to wages and salaries "to aid in the effective prosecution of the war or to correct gross inequities." By Executive Order No. 9250 and other directives, the President, with respect to the stabilization program, has (1) established policies, (2) defined certain functions of the National War Labor Board, and (3) delegated certain powers and responsibilities to the Economic Stabilization Director (sometimes hereinafter referred to as "the Director"). Some of these powers and responsibilities of the Director have been re-delegated by him to the National War Labor Board, the Commissioner of Internal Revenue and the War Food Administrator (sometimes hereinafter referred to respectively as "the Board" "the Commissioner" and "the Administrator"). The Board and the Commissioner, in turn, have authorized other agencies, in certain cases, to exercise their functions with respect to the stabilization program in the first instance, subject to their review. The succeeding paragraphs discuss the broader aspects of the program and indicate, to the extent deemed of interest to War Department personnel, the functions of various agencies having jurisdiction with respect thereto. Contracting officers should be reasonably familiar with the program. However, since contracting and disbursing officers are not authorized to determine whether particular payments of wages and salaries by War Department contractors violate wage and salary stabilization policy (see §§ 809.961 and 809.962) no attempt is made in these procurement regulations to set forth in detail the various rules, regulations, orders and interpretations which have been promulgated pursuant to the act.

§ 809.950-2 *Applicable statutes, orders, regulations and rulings.* Statutes, orders, regulations and rulings respecting the stabilization program include the Stabilization Act of 1942 (entitled An Act to Amend the Emergency Price Control Act of 1942, to Aid in Preventing Inflation, and for Other Purposes), as amended by the Public Debt Act of 1943 and by the Stabilization Extension Act of 1944, the War Labor Disputes Act (relating to labor disputes which may lead to substantial interference with the war effort, to government operation of facilities under certain circumstances, and to other matters) Executive Order No. 9250 (wage stabilization order), Executive Order No. 9299 (regulations and procedure with respect to wage and salary adjustments for employees subject to the Railway Labor Act), Executive Order No. 9328 (supplemental stabilization order, the "hold-the-line" order) Executive Order No. 9370 (enforcement of orders of the Board) the regulations of the Director, the Director's policy directive of May 12, 1943, and the regulations, rulings, orders and interpretations of the various agencies having jurisdiction with respect to the stabilization program.

§ 809.950-3 *Where information may be obtained.* Any questions relating to the stabilization program may be addressed by the chiefs of the technical services to the Industrial Personnel Division, Headquarters, Army Service Forces, Washington 25, D. C. In addition, pursuant to a joint statement of the Board and the Commissioner, reliable advice relating to the national stabilization policy may be obtained from the Regional War Labor Boards (§ 809.990) and the regional offices of the Bureau of the Internal Revenue (§ 809.992).

§ 809.950-4 *Definition of wages and salaries.* For the purposes of the stabilization program, salaries and wages have been defined by the agencies charged with its administration to include all forms of direct or indirect remuneration to an employee or officer for work or personal services performed for an employer or corporation, including but not limited to bonuses, additional compensation, gifts, commissions, fees, and any other remuneration in any form or medium whatsoever (excluding insurance and pension benefits in a reasonable amount as determined by the Director) "Salaries" means remuneration for personal services computed on a weekly, monthly, annual or other comparable basis, except a wage basis. "Wages" means remuneration for personal services computed on an hourly or daily basis, a piece-work basis, or other comparable basis.

§ 809.951 *Increases and decreases in wages and salaries under the stabilization program.*

§ 809.951-1 *General.* Generally (a) no increases or decreases in wage rates (regardless of whether required by the terms of any labor agreement), (b) no increases in salaries, and (c) no decreases in salaries (if below \$5,000 or if the effect of the decrease is to reduce the salary below \$5,000 per annum) shall be

made without the approval of the appropriate agency having jurisdiction with respect thereto (§§ 809.952-809.953). Exceptions to this requirement of approval have been made (e. g. in the case of certain employers of eight people or less), limitations have been set within which approvals may be granted, and certain increases and decreases which may be made without the specific approval of the appropriate agency in the particular case have been defined. Sections 809.951-2 to 809.951-5, inclusive, contain a general summation of the limitations upon increases and decreases in wages and salaries under the stabilization program. For further details and for a statement of the exceptions and of the increases and decreases which may be made without specific approval, heretofore mentioned, reference is made to the regulations, rulings and orders of the agencies charged with the administration of the program.

§ 809.951-2 *Limitations on wage and salary increases—(a) Policy.* Existing policy as to wage and salary increases (insofar as those within the jurisdiction of the Board or the Commissioner as hereinafter set forth are concerned) as expressed in § 4001.11 of the regulations of the Director as supplemented by the Director's Policy Directive of May 12, 1943. This policy may be summarized as follows:

(i) No increase in wages or salaries shall be authorized by the Board or the Commissioner, as the case may be, except in the following cases:

(i) Such increases as are clearly necessary to correct substandards of living;

(ii) Such wage or salary readjustments as may be deemed appropriate and may not have heretofore been made to compensate, in accordance with the "Little Steel Formula" (see paragraph (b) of this section), for the rise in the cost of living between January 1, 1941 and May 1, 1942;

(iii) Salary and wage adjustments necessary to adjust salaries or wages up to the minimum of the tested and going rates paid for comparable work in the same or most nearly comparable plants or establishments in the same labor market, except in rare and unusual cases in which the critical needs of war production require the setting of a wage or salary at some point above the minimum of the going wage or salary bracket;

(iv) Reasonable adjustments in wages or salaries in case of promotions, reclassifications, merit increases, incentive wages or the like, provided that such adjustments do not increase the level of production costs appreciably or furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices.

(2) No increase in a salary rate approved by the Commissioner shall increase the level of production costs appreciably, or furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices or furnish the basis of further wage or salary increases.

(3) In connection with the approval of wage or salary adjustments necessary to eliminate substandards of living or to

give effect to the Little Steel Formula or in connection with the adoption of a longer workweek, there may be approved wage or salary adjustments for workers in immediately interrelated job classifications to the extent required to keep minimum differentials between immediately interrelated job classifications necessary for the maintenance of productive efficiency. Such adjustments are to be tapered off rigorously in application to higher job classifications so as to apply only in those classifications and only to the extent necessary for productive efficiency in the interrelated job classifications.

(b) *Little Steel formula.* This formula has been adopted by the Board for application generally in the case of wage increases for a group of employees. Under the formula, the Board will consider requests for general increases in straight-time wage rates up to 15 percent above the level prevailing on January 1, 1941. Thus a terminal point for general wage increases is set. The formula is usually not applicable to individual workers or to employees in particular job classifications. It will normally be applied only to groups composed of all employees in a bargaining unit, in a plant, a company or an industry, depending upon the circumstances of each case.

§ 809.951-3 *Limitations on decreases in salaries of less than \$5,000.* In the case of a salary rate existing as of the close of October 3, 1942, or thereafter approved, under which an employee is paid a salary of less than \$5,000 per annum for any particular work, generally no decrease shall be made by the employer below the highest salary rate paid for such work in the local area between January 1, 1942, and September 15, 1942, unless to correct gross inequities or to aid in the effective prosecution of the war. In either such event, approval of the decrease must be obtained from the appropriate agency. The words "for any particular work" as used in this section refer to the particular work of the particular employee and not merely to a particular type of work.

§ 809.951-4 *Limitations on decreases in salaries of over \$5,000.* In the case of a salary rate existing as of the close of October 3, 1942, or thereafter approved, under which an employee is paid a salary of \$5,000 or more per annum, decrease may be made without approval: *Provided*, That if by virtue of such decrease the new salary paid is less than \$5,000 per annum, then the validity of the decrease below \$5,000 shall be determined as set forth in § 809.951-3.

§ 809.951-5 *Limitations on decreases in wages.* The Board shall not approve a decrease in the wages for any particular work below the highest wages paid therefor between January 1, 1942, and September 15, 1942, unless to correct gross inequities and to aid in the effective prosecution of the war.

§ 809.952 *Functions and operation of the National War Labor Board with respect to the wage and salary stabilization program.*

§ 809.952-1 *Jurisdiction of the Board.* The jurisdiction of the Board covers (a)

the final disposition of labor disputes "which may lead to substantial interference with the war effort" and (b) the approval or disapproval of voluntary wage and salary adjustments. With respect to wages and salaries, the Board (except as indicated in §§ 809.956 and 809.957) is authorized to determine whether any:

(1) Wage payments, or
(2) Salary payments to an employee where the rate at which the salary, exclusive of bonuses and additional compensation and without regard to the contemplated adjustments, computed on an annual basis, is not in excess of \$5,000 per annum, and where such employee:

(i) In his relations with his employer is represented by a duly recognized or certified labor organization, or

(ii) Is not employed in a bona fide executive, administrative or professional capacity

are made in contravention of the act, or any rulings, orders or regulations promulgated thereunder.

§ 809.952-2 *Regulations, orders and rulings of the Board.* From time to time the Board has issued regulations, general orders, and other directives (a) establishing stabilization policies, with respect to wages and salaries subject to its jurisdiction, within the limits set forth in the act, the pertinent Executive orders and the Director's regulations, (b) creating Regional War Labor Boards and other subagencies to exercise its functions in the first instance subject to the Board's review, and (c) establishing procedures to be followed in cases before the Board and such subagencies. In addition, the Board has delegated to various other government agencies authority to perform certain of its duties with respect to the stabilization program. With respect to adjustments in wages and salaries subject to its jurisdiction, the orders of the Board (and of the agencies upon which it has conferred appropriate authority) take one of two forms, depending upon the nature of the proceeding involved, as follows: (1) Upon applications for voluntary wage and salary adjustments proposed by employers or submitted pursuant to agreement of employers and their employees, the Board issues so-called "permissive" rulings, permitting specified adjustments within the limits of established stabilization policy, while (2) in cases of dispute between employers and employees or their representatives, the Board issues so-called "directive orders" directing the making of specified wage and salary adjustments within such limits. For a statement of the procedure to be followed by War Department personnel in cases before the Board (or before agencies upon which it has conferred authority) in which the War Department has an interest, reference is made to § 809.963.

§ 809.952-3 *Agencies which exercise functions of the Board subject to its review—(a) Regional War Labor Boards.* The Board has established twelve Regional War Labor Boards together with a Territorial War Labor Board for Hawaii (Alaska has been made a part of

Region XII) through which, generally, it exercises its functions in the first instance. (A list of these Regional War Labor Boards, together with a statement of the areas in which they have jurisdiction, respectively, may be found in § 809.990.) In addition, the Board has established various other subagencies and authorized them in certain types of cases, subject to the Board's review, (1) to hear and determine and to issue directive orders in labor dispute cases, and (2) to make final rulings on voluntary wage or salary adjustments. A list of certain such subagencies, together with a general designation (subject to exception) of the cases in connection with which they have been granted authority, is as follows:

(1) Non-Ferrous Metals Commission in cases affecting the stabilization of the mining, milling, smelting and refining of non-ferrous metals, referred to it by the Board or by the Regional Directors of the 9th, 10th and 12th regions of the Board. (The jurisdiction of the Non-Ferrous Metals Commission does not extend to those enterprises which supply materials and equipment to the above named industries.)

(2) Detroit Area Tool and Die Commission in cases concerning the tool and die industry in the counties of Wayne, Oakland, Macomb, Monroe, Washtenaw and Genesee in the State of Michigan.

(3) The Trucking Commission in cases involving persons employed in the following types of trucking operations: over-the-road (common, contract, or private carrier) local pick-up, and delivery transfer and storage.

(4) Shipbuilding Commission in cases involving persons employed in the shipbuilding industry.

(5) West Coast Lumber Commission in cases involving the production of lumber and lumber products in Oregon, Washington, Idaho, Montana and California.

(6) The National Airframe Panel in cases involving employees of certain manufacturers of airplanes. In dispute cases this panel acts only in an advisory capacity to the Board but the panel is authorized, subject to the Board's review, to make final rulings on voluntary wage and salary adjustments within its jurisdiction in cases where the decision of the panel is unanimous.

(7) The War Shipping Panel in cases involving the shipping industry. In dispute cases this panel acts only in an advisory capacity to the Board but the panel is authorized, subject to the Board's review, to make final rulings on voluntary wage and salary adjustments within its jurisdiction in cases where the decision of the panel is unanimous.

(b) *Shipbuilding Stabilization Committee.* This committee composed of representatives of the Government, of shipbuilding management, and of shipbuilding labor, was established by General Administrative Order No. 2-57 of the War Production Board to perform certain functions with respect to the four Zone Standards Agreements, as amended. These agreements, negotiated in the four shipbuilding zones (i. e. the Pacific Coast, the Atlantic Coast, the Gulf Coast, and the Great Lakes) were originally entered into by the Office of Production Manage-

ment (predecessor of the War Production Board) the Navy Department and the U. S. Maritime Commission on behalf of the Government; by the Metal Trades Department of the American Federation of Labor and by the Industrial Union of Marine and Shipbuilding Workers of America of the Congress of Industrial Organizations on behalf of labor; and by various shipbuilding companies. Subsequently the War Department indicated it would participate in Zone Standards. The agreements, as amended by proposals dated May 16, 1942 of a National Shipbuilding Conference subsequently ratified by the parties (such proposals so ratified being commonly termed the Chicago Amendments) among other things fix certain wage rates to be paid in the shipbuilding industry and provide for an annual wage review to be conducted by the Shipbuilding Stabilization Committee. Pursuant to Executive Order No. 9250, the Committee continues to exercise its functions. However, no new wage rate fixed by Zone Standards Agreement may become effective until approved by the Board which acts with respect thereto, in the first instance, through its subagency the Shipbuilding Commission. (See paragraph (a) (4) of this section.)

(c) *The Wage Adjustment Board for the Building Construction Industry.* On May 22, 1942, the War and Navy Departments, National Housing Administration, Reconstruction Finance Corporation, the Maritime Commission and the Building and Construction Trades Department of the American Federation of Labor, entered into an agreement stabilizing wage rates for all war construction work done for or financed by the United States (except non-Federal construction where state laws should govern wage rates) in the continental United States at the level in effect on July 1, 1942. Such agreement, by its terms to endure for the duration of the war, provided for the creation of a Wage Adjustment Board (1) to determine whether certain wage adjustments should be made and (2) to fix the amount of any such adjustment. The Wage Adjustment Board for the Building Construction Industry, (hereinafter referred to as the Wage Adjustment Board) has been established by order of the Secretary of Labor with authority (1) to investigate and act upon adjustments of wage rates under such agreement of May 22, 1942, and (2) to carry out the duties and functions delegated to it by the National War Labor Board. Under General Order No. 13 of the National War Labor Board, the Wage Adjustment Board continues to exercise its functions under such order of the Secretary of Labor and such agreement of May 22, 1942, insofar as the same are consistent with the terms of such General Order No. 13, and is authorized, (1) to hear and issue directive orders in labor dispute cases and (2) to make rulings on voluntary wage and salary adjustments. The jurisdiction of the Wage Adjustment Board is limited to mechanics and laborers in the building and construction industry in the continental United States and Alaska employed directly upon the site of the work, and its determinations are subject to review by the Board.

(d) *War Department Wage Administration Agency.* Pursuant to appropriate delegations of authority, the Wage Administration Section, Industrial Personnel Division, Headquarters, Army Service Forces (referred to as the War Department Wage Administration Agency when acting under such delegations) acting upon behalf of the Secretary of War, is authorized to rule upon all applications for wage and salary adjustments (insofar as approval thereof has been made a function of the Board) covering civilian employees within the continental limits of the United States employed by (1) the War Department, (2) the Army Exchange Service and (3) certain Government owned, privately operated facilities of the War Department designated in lists furnished from time to time to the Board by the War Department Wage Administration Agency. The chiefs of the technical services are responsible, respectively, for (i) designating to the War Department Wage Administration Agency the facilities which, in their opinion, should be placed upon such lists and (ii) advising the officers of their services concerned of the names of facilities which have been placed upon such lists. The War Department Wage Administration Agency has also been authorized, subject to certain limitations, to establish wage or salary schedules for civilian employees of the War Department in the various Government owned, Government operated installations located in the Territory of Hawaii. The delegations of the Board, contained in the Board's General Orders Nos. 14 and 37, are set forth in full at §§ 809.993 to 809.993-3.

§ 809.952-4 *When specific approval of Board is not required.* Reference is made to the General Orders of the Board for a definition of certain exceptions to the requirements of the stabilization program and of certain increases in wages and salaries subject to the jurisdiction of the Board which may be made without other or specific approval.

§ 809.952-5 *Preliminary inquiries as to wage and salary adjustments within the jurisdiction of the Board.* An employer or a union (or an employee, or a group of employees not represented by a union) directly concerned in a proposed wage or salary adjustment, may jointly or separately, ask the nearest designated officer of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor in the region for a ruling as to whether the proposed adjustment may be made without Board approval. If said ruling is that the proposed wage or salary adjustment may be made without approval of the Board, the ruling shall be deemed to be authoritative and shall remain in effect unless reversed. (For a list of the addresses of such officers, see § 809.991.)

§ 809.952-6 *Application for the Board's approval of voluntary adjustments.* Generally, each application for the Board's approval of a proposed voluntary wage or salary adjustment shall be filed with the nearest office of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor in the region where the employer maintains his principal place

of business. All applications shall be made upon appropriate forms prepared by the Board. (For a list of such offices see § 809.991.)

§ 809.952-7 *Procedure in dispute cases involving wages or salaries subject to the jurisdiction of the Board.* A dispute case arises out of a disagreement as to wages or working conditions, or both. The National War Labor Board usually accepts dispute cases only on certification by the U. S. Conciliation Service although the Board also has power to take cases on its own initiative. A dispute case is referred to the New Case Committee of the National Board which determines whether the case shall be retained by the National Board for disposition or referred to the appropriate regional board or industry commission for decision. Upon certification of the case to a regional board, the case is considered by a New Case Committee of the regional board and prepared for a hearing. The Committee designates a tripartite panel to hear the case or, if the parties agree, a single person is appointed. Upon conclusion of the hearing by the panel or individual, the findings are reported to the regional board which makes a decision on the panel's findings and recommendations. Arguments may be heard if the panel's report is not unanimous. A regional board may certify to the National Board any case or any question in the case upon which it desires a National Board ruling. Directive orders are issued to the parties when made, except that issuance of any provision of an order, which relates to a wage or salary adjustment, may be stayed if two or more public members of the regional board dissent from the provision and request that its issuance be stayed. In such an event a copy of the directive order and the request of stay, together with a statement of the reason for such request is transmitted to the National Board. Reconsideration of rulings and orders of regional boards may be had upon filing of petition under established rules. For a statement of procedure to be followed by War Department personnel in cases before the Board (or before agencies upon which it has conferred appropriate authority) in which the War Department has an interest, reference is made to § 809.963.

§ 809.954 *Jurisdiction and organization of the Bureau of Internal Revenue with respect to the stabilization program.*

§ 809.954-1 *Jurisdiction of the Commissioner.* The Commissioner is authorized to determine, under regulations prescribed by him with the approval of the Secretary of the Treasury, whether any salary payments (other than those under the jurisdiction of the Board, the War Food Administrator or the National Railway Labor Panel, as the case may be, as specified in §§ 809.522-1, 809.956 and 809.957) are made in contravention of the act or any regulations or rulings promulgated thereunder.

§ 809.954-2 *Salary Stabilization Unit.* There has been established within the Bureau of Internal Revenue, but independent of all other units therein, a Salary Stabilization Unit which, generally, is charged with the responsibility of

exercising the Commissioner's authority and performing his duties with respect to the stabilization program. The Salary Stabilization Unit functions, generally, through Salary Stabilization Regional Offices. The head of the regional office having jurisdiction of any application is authorized to approve or disapprove it for the Commissioner, wholly or in part, and his decision is deemed to be that of the Commissioner unless and until modified or reversed as provided in the Commissioner's regulations. (For a list of such regional offices, see § 809.992.)

§ 809.954-3 *Delegation of War Department Wage Administration Agency.* The Wage Administration Section, Industrial Personnel Division, Headquarters, Army Service Forces (referred to as the War Department Wage Administration Agency when acting under the authority hereinafter mentioned) acting on behalf of the Secretary of War, has been authorized, subject to certain conditions, to rule upon all applications for salary adjustments (insofar as approval thereof has been made a function of the Commissioner) covering civilian employees within the continental limits of the United States and Alaska employed by (a) the War Department, (b) the Army Exchange Service, and (c) certain Government owned, privately operated facilities of the War Department named in lists furnished from time to time to the Commissioner by the War Department Wage Administration Agency. The chiefs of the technical services are responsible, respectively, for (1) furnishing the War Department Wage Administration Agency with the names of facilities which, in their opinion, should be placed upon such lists and (2) advising the officers of their services concerned of the names of facilities which have been placed on such lists. The Commissioner's delegation to the War Department Wage Administration Agency is set forth in full at § 809.993-3.

§ 809.954-4 *When specific approval of the Commissioner is not required.* Reference is made to the regulations of the Commissioner for a definition of certain exceptions to the requirements of the stabilization program and of certain increases in salaries subject to his jurisdiction which may be made without other or specific approval.

§ 809.954-5 *Where applications for approval of salary increases and decreases and salary rate schedules and rulings respecting exemptions within the jurisdiction of the Commissioner shall be filed.* Generally such an application shall be filed with the Salary Stabilization Regional Office in whose territorial jurisdiction the main office or principal place of business of the employer is located. (For a list of such offices see § 809.992.) Such application shall be filed on forms prescribed by the Commissioner and shall contain such information as he may require. If, however, the Commissioner has delegated to any other officer or agency (e. g. the War Department Wage Administration Agency, see § 809.954-3) his authority to approve or disapprove adjustments in salaries, then applications respecting such adjustments shall be made to the

officer or agency to whom such authority has been delegated, in the form and manner prescribed by such officer or agency.

§ 809.956 *Jurisdiction of the War Food Administrator with respect to the stabilization program.* The War Food Administrator, subject to certain limitations, is authorized to determine whether any salary or wage payments to agricultural labor are made in contravention of the act or any rulings, orders or regulations promulgated thereunder. The authority of the War Food Administrator does not extend to any person whose salary payments, exclusive of bonuses and additional compensation and without regard to the contemplated adjustment, are at a rate, computed on an annual basis, which exceeds \$5,000 per annum.

§ 809.957 *Jurisdiction of the National Railway Labor Panel with respect to the stabilization program.* Special procedures with respect to wage and salary adjustments for employees subject to the Railway Labor Act are established by Executive Order No. 9299.

§ 809.958 *When approval of Director required.* All wage or salary adjustments which may furnish the basis either to increase price ceilings or to resist otherwise justifiable reductions in price ceilings or which may increase production costs above the level prevailing in comparable plants or establishments, require the ultimate approval of the Economic Stabilization Director.

§ 809.959 *Territorial application.* The Board, the Commissioner and the Administrator have been authorized, under certain circumstances, to exempt from the operation of the stabilization program wages or salaries paid in any territory or possession of the United States. Pursuant to this authority, the Commissioner and the Board have provided that stabilization control shall not apply to salaries and wages under their jurisdiction, respectively, in any territory or possession of the United States, except Alaska and Hawaii.

§ 809.960 *Criminal penalties.* Section 11 of the act provides as follows:

Any individual, corporation, partnership or association willfully violating any provision of this Act, or of any regulation promulgated thereunder, shall, upon conviction thereof, be subject to a fine of not more than \$1,000 or to imprisonment for not more than one year, or to both such fine and imprisonment.

§ 809.961 *Effect of unlawful payments (determination of costs under Government contracts and other aspects of violations)* Upon determining that a wage or salary payment has been made by an employer in contravention of the act or the regulations, rulings or orders promulgated thereunder (see § 809.962 (e)) the Board, the Commissioner or the Administrator, as the case may be, pursuant to § 4001.15 of the regulations of the Director, may certify to the Departments and agencies of the government an amount to be disregarded as hereinafter set forth. In case of such certification to the War Department, the amount so certified will be disregarded by the appropriate agency of the War Department in determining costs or ex-

penses of such employer for such of the following purposes as may be pertinent:

(a) For the purpose of any law or regulation, including the Emergency Price Control Act of 1942, or any maximum price regulation thereunder;

(b) For the purpose of calculating deductions under the revenue laws of the United States; and

(c) For the purpose of determining costs or expenses under any Government contract.

§ 809.962 *Responsibility of War Department personnel with respect to violations as defined by Joint Statement of the Board and the Commissioner* (a) Agencies of the War Department are not required to conduct audits, investigations, or payroll reviews merely for the purpose of ascertaining whether or not contractors have complied with Executive Order 9250 (i. e. the President's Wage Stabilization Order) or the regulations promulgated thereunder. The technical services are neither required nor authorized to determine that a prime contractor has violated the Executive Order or the Regulations thereunder (see, however, Renegotiation Regulations § 1603.382-3 (32 CFR, Part 1603) and the Army Renegotiation Manual par. 382.4 (§ 803.382 (d)))

(b) When, however, probable non-compliance by a prime contractor with Executive Order 9250 or the regulations thereunder is discovered by or brought to the attention of a technical service, such service should:

(1) Advise each such contractor of the particulars in which probable non-compliance appears and request that he consult the Regional War Labor Board or Salary Stabilization Regional Office which has jurisdiction over approval of wage rates in the case. (See §§ 809.990 and 809.992 for lists of regional offices.)

(2) Report such apparent violation to the Regional War Labor Board or Salary Stabilization Regional Office which has jurisdiction over approval of wage rates in the case. Any such reports should include the following information:

(i) Name and address of contractor.

(ii) Date, number and place of performance of the contract.

(iii) Résumé of facts constituting apparent violation including approved wage rates, by whom approved, wages actually paid, names or classifications of persons paid, dates of apparent improper payments, and name of party making payments if other than contractor.

(c) The technical services have the responsibility of establishing within their services appropriate procedures for the reporting of apparent violations to the proper Government agency. Such procedures should be devised to restrict contacts with such agency solely to the transmittal of a report containing the information listed in paragraph (b) of this section.

(d) No report should be supplemented by appearances or participation in hearings or other proceedings of the agency having jurisdiction in the matter except in accordance with § 809.963.

(e) Determinations of violations will be made in all cases by the National War Labor Board or the Commissioner of Internal Revenue. If the appropriate Government agency finds that a violation of

Executive Order 9250 or the regulations thereunder has occurred, the Industrial Personnel Division, Headquarters, Army Service Forces, will be advised, and will issue specific instructions to the interested technical service.

(f) All responsibilities which the technical services had prior to issuance of Executive Order 9250 or of this subpart with respect to reimbursement of contractors in accordance with other laws and regulations are in no way affected by this subpart.

§ 809.963 *War Department relations with the National War Labor Board.* (a) For the purpose of coordinating War Department policy and action, the Industrial Personnel Division, Headquarters, Army Service Forces will process all cases coming before the National War Labor Board in which the War Department has an interest. No other War Department representative or agency will make any statements of fact or recommendation, formally or informally, to the National War Labor Board or to any of its personnel respecting the merits of any case pending before that Board.

(b) No War Department representative or agency will make any statement of fact or recommendations to any regional war labor board or regional or area war labor panel or to any of their personnel respecting the merits of any cases pending before such board or panel except that in pending wage cases affecting War Department procurement, War Department representatives, through appropriate service command channels or as may otherwise be authorized, may request that such cases be expedited and may make statements of fact relating solely to the following issues:

(1) The importance of the product or service affected to the War Department procurement program,

(2) Where requested, the probable cost to the War Department resulting from any contemplated wage adjustment, and

(3) Whether production is on schedule, and if not, the extent to which manpower shortages, high turnover, or excessive absenteeism are a contributing factor.

(c) Certain "rare and unusual cases" specially involving "the critical needs of war production" have been excepted from the established wage stabilization criteria when these needs are threatened by a manpower problem, the only solution to which entails the approval of wage rates or wage adjustments which will not be permissible under those criteria (see § 809.951-2 (a) (1) (iii)). Special procedures have been designed for the processing of these "rare and unusual" cases and adopted by the National War Labor Board, the War Production Board, the War Manpower Commission, the War Department, and other procurement or interested Government agencies. The Industrial Personnel Division, Headquarters, Army Service Forces, has been designated as the sole War Department agency with authority to certify and process such cases in which the War Department has an interest,

(d) (1) In the event that any War Department representative or agency believes that a case pending before the National War Labor Board or before an area or regional war labor board or panel should be considered within the "rare and unusual" exception, such representative or agency will advise the Industrial Personnel Division, Headquarters, Army Service Forces, and will forward to that Division, through appropriate channels, a report containing the factual foundation for its opinion. This report should include information respecting:

(i) The present wage rates, the wage adjustment being requested, and a complete statement of the nature of the request pending before the Board.

(ii) The relative importance of the product or service in the total procurement program;

(iii) The relative importance of the particular facility and the existence and location of alternative facilities, if any.

(iv) The relation of present deliveries to production schedules;

(v) The extent to which labor supply is the limiting factor in production;

(vi) The extent to which the wage schedule is responsible for labor supply problems in this facility; and

(vii) Any other pertinent information.

(2) In no event will any representative or agency of the War Department, other than the Industrial Personnel Division, Headquarters, Army Service Forces, state or recommend to the National War Labor Board that a case should be regarded as "rare and unusual."

(e) Nothing in this section shall be construed to affect the relationship between the War Department Wage Administration Agency and the Board arising out of General Orders Nos. 14 and 37 of the Board (see § 809.952-3 (d)).

SUBPART I—FORTY-EIGHT HOUR WORKWEEK

§ 809.968 *Executive Order No. 9301.* The following is the full text of Executive Order No. 9301 issued under date of February 9, 1943 (8 F.R. 1825)

EXECUTIVE ORDER 9301

ESTABLISHING A MINIMUM WAR-TIME WORK WEEK OF FORTY-EIGHT HOURS

By virtue of the authority vested in me by the Constitution and statutes, as President of the United States, and in order to meet the man-power requirements of our armed forces and our expanding war-production program by a fuller utilization of our available man power, it is hereby ordered:

1. For the duration of the war, no plant, factory or other place of employment shall be deemed to be making the most effective utilization of its man power if the minimum work week therein is less than forty-eight hours per week.

2. All departments and agencies of the Federal government shall require their contractors to comply with the minimum work week prescribed in this order and with policies, directives and regulations prescribed hereunder, and shall promptly take such action as may be necessary for that purpose.

3. The chairman of the War Manpower Commission shall determine all questions of interpretation and application arising under this order and shall formulate and issue such policies, directives and regulations as he determines to be necessary to carry out this order and to effectuate its purposes. The chairman of the War Manpower Commission is authorized to establish a minimum work

week greater or less than that established in Section 1 of this order or take other action with respect to any case or type of case in which he determines that such different minimum work week or other action would more effectively contribute to the war effort and promote the purposes of this order.

4. All departments and agencies of the Federal government shall comply with such policies, directives and regulations as the chairman of the War Manpower Commission shall prescribe pursuant to this order, and shall so utilize their facilities, services and personnel and take such action under authority vested in them by law as the chairman determines to be necessary to effectuate the purposes of this order and promote compliance with its provisions.

5. Nothing in this order shall be construed as superseding or in conflict with any Federal, state or local law limiting hours of work or with the provisions of any individual or collective bargaining agreement with respect to rates of pay for hours worked in excess of the agreed or customary work week, nor shall this order be construed as suspending or modifying any provision of the fair labor standards act (act of June 25 1938; 52 Stat. 1060; 29 U.S.C. 201 et seq.) or any other Federal, state or local law relating to the payment of wages or overtime.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
Feb. 9, 1943.

§ 809.969 *Regulations of War Manpower Commission.* The following is the text of the regulations issued by the War Manpower Commission to implement the 48-hour work week.

By virtue of authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9301 establishing a Minimum Wartime Workweek of 48 hours, and by Executive Orders Nos. 9139 and 9279, I hereby prescribe the following regulations:

§ 803.1 *General policy for interpretation and application of Executive order.* Executive Order No. 9301 shall be so construed and applied as best to effectuate its fundamental purpose, which is to aid in meeting the manpower requirements of our armed forces and our expanding war production program by a fuller utilization of our available manpower. Effectuation of this purpose requires that in situations of labor shortage employers do not hire new workers when their manpower needs can effectively be met by a fuller utilization of their current labor force, and that workers who can be released by an extension of the workweek are released under circumstances which will permit and facilitate their effective utilization elsewhere in the war effort.

§ 803.2 *Application to areas and activities.* The Chairman of the War Manpower Commission will from time to time by order designate areas and activities as subject to the provisions of Executive Order No. 9301. Regional Manpower Directors may designate additional areas and activities within their respective regions as subject to the provisions of Executive Order No. 9301, if they find and by appropriate public notice so declare, that such action will aid in alleviating labor shortages which are impeding the war effort. Unless and until an area or activity has been so designated, employers therein will not be required to extend their workweek.

§ 803.3 *Delegation of authority.* Regional and Area Manpower Directors are authorized and directed to determine all questions arising within their respective regions and areas with respect to the interpretation and application of these regulations, in conformity with such procedures and instructions as the Executive Director of the War Manpower Commission may issue in implementation thereof.

§ 903.4 *Minimum wartime workweek.* "Minimum wartime workweek" as used in these regulations means a workweek of 48 hours, except in cases where a workweek of 48 hours (a) would be impracticable in view of the nature of the operations, (b) would not contribute to the reduction of labor requirements, or (c) would conflict with any Federal, State or local law or regulation limiting hours of work. In such cases "minimum wartime workweek" means the greatest number of hours (less than 48) feasible in the light of the nature of the operations, the reduction of labor requirements or the applicable Federal, State and local law or regulation, as the case may be.

§ 903.5 *Extension of workweek in designated areas and activities.* If the workweek applicable to any worker employed in any plant, factory or other place of employment in an area or an activity designated as subject to the provisions of Executive Order No. 9301, is less than the minimum wartime workweek, such workweek shall be extended to the minimum wartime workweek as follows:

(a) Whenever extension of such workweek to the minimum wartime workweek would not involve the release of any workers, the affected employer shall proceed promptly to extend the workweek to the minimum wartime workweek.

(b) Whenever the Regional or Area Manpower Director or a designated representative of either determines that extension of such workweek to the minimum wartime workweek would involve the release only of workers who can be promptly placed in suitable employment with other employers, the affected employer will be notified of such determination and thereupon shall proceed promptly to extend the workweek to the minimum wartime workweek.

(c) If extension of such workweek to the minimum wartime workweek would involve the release of some workers and the Regional or Area Manpower Director or designated representative has not determined and notified the employer that such workers can promptly be placed in suitable employment with other employers, the workweek shall not be extended except as authorized below. On or before April 1, 1943, the affected employer shall submit to the Regional or Area Manpower Director or the designated representative of either Director a statement as to the number of workers whose release would be involved and their occupational classification, together with a proposed schedule for the timing of such releases. The Regional or Area Manpower Director or designated representative will authorize a schedule for the extension of the workweek to the minimum wartime workweek and for the release of workers in terms of labor market needs and the employer shall thereupon proceed to extend the workweek in accordance with such schedule.

§ 903.6 *Restriction upon hiring of workers.* No employer shall hire any worker in an area or activity designated as subject to the provisions of Executive Order No. 9301, if the employer has failed in any manner to comply with the provisions of § 903.5 of these regulations in the plant, factory or other place of employment in which the worker would be employed.

§ 903.7 *Exclusions.* No provision of these regulations shall be construed or applied so as to require the extension of a workweek:

(a) In any establishment or other place of employment in which less than eight workers are regularly employed;

(b) In any establishment or place of employment principally engaged in agriculture;

(c) Of persons in the employ of any State or any political subdivision thereof, or any instrumentality of any one or more of the foregoing;

(d) Of youth under the age of sixteen years; or

(e) Of individuals who on account of other employment, household responsibilities, or physical limitations, are not available for full time work.

§ 903.8 *Definitions.* As used in these regulations:

(a) "Workweek" means the number of hours within a period of seven successive days, beginning with the same calendar day each week, during which workers are normally required to be on duty.

(b) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

§ 809.970 *Designation of areas subject to E.O. 9301.* By authority vested in the Chairman of the War Manpower Commission by Executive Order No. 9301, establishing a minimum wartime workweek of 48 hours and in accordance with the provisions of § 903.2 of the regulations prescribed by the Chairman of the War Manpower Commission, said Chairman may designate the areas subject to the provisions of Executive Order No. 9301. A current list of the areas so designated may be secured from any office of the United States Employment Service or of the War Manpower Commission.

§ 809.971 *Designation of activities subject to E. O. 9301.* (a) The following is the text of General Order No. 6, issued by the War Manpower Commission, designating certain activities as subject to the provisions of Executive Order No. 9301.

By virtue of the authority vested in me as Chairman of the War Manpower Commission, by Executive Order No. 9301, establishing a minimum wartime workweek of 48 hours, and in accordance with the provisions of § 903.2 of the regulations prescribed by me on February 22, 1943, I hereby designate the following activities as subject to the provisions of Executive Order No. 9301:

1. The mining (including the development of ore properties) dressing, and beneficiating (milling) of the following non-ferrous metals and their ores: Aluminum, antimony, arsenic, beryllium, chrome, cobalt, columbium, copper, lead, magnesium, manganese, mercury, molybdenum, silver, tantalum, tin, titanium, tungsten, uranium, vanadium, zinc, zirconium, and all other non-ferrous metals and their ores.

2. (a) All logging operations.

(b) All operations of all sawmills, planing mills, veneer mills, plywood mills, cooperage-stock mills, cooperage establishments, shingle mills, wooden box factories and wood pulp mills.

(b) A current list of the activities subject to the provisions of Executive Order No. 9301 can be obtained from any office of the United States Employment Service or of the War Manpower Commission.

§ 809.972 *Statement re adoption of forty-eight hour week.* Under date of March 11, 1943, the National War Labor Board defined the extent of its jurisdiction in the matter of overtime pay in the

light of Executive Order No. 9301, as follows:

In order to answer the many inquiries received as to the effect of Executive Order 9250 on wages and salaries in the light of the Executive Order of February 9, establishing the minimum wartime workweek of 48 hours, the National War Labor Board today issued the following statement:

1. *Effect of the order on employer's obligation to pay over-time.* Any employer who adopts a 48 hour week in compliance with Executive Order 9301 of February 9, 1943 and the regulations of the War Manpower Commission issued thereunder is under the same obligation with respect to over-time pay as if he had adopted a 48 hour week before the order was issued. That is, his obligations to pay or not to pay over-time rates is in no way affected by the order.

This interpretation is based on the following provision of section 5 of the order:

Nothing in this order shall be construed as superseding or in conflict with . . . the provisions of any individual or collective bargaining agreement with respect to rates of pay for hours worked in excess of the agreed or customary work-week, nor shall this order be construed as suspending or modifying any provision of the Fair Labor Standards Act or any other Federal, State or local law relating to the payment of wages or over-time.

2. *Necessity to secure War Labor Board approval for the payment of over-time.* Approval of the War Labor Board is not required for payment of overtime rates to wage and salary employees for hours worked in excess of 40 made in accordance with the provisions of the Fair Labor Standards Act or any other similar Federal, State or local law or by the provisions of a collective bargaining agreement or by the employer's past custom and practice.

If none of these applies, then payment for the hours worked in excess of 40 at other than straight time rates would be a wage increase and would therefore require approval by the War Labor Board.

3. *Salaried employees.* Salaried employees within the jurisdiction of the War Labor Board, whose overtime pay is not covered by the Fair Labor Standards Act or any other similar Federal, State or local law, or by a collective bargaining agreement or their employer's past practice, may not, without the prior approval of the War Labor Board, be paid at more than straight time rates proportionate to the additional hours worked.

4. Application for approval of the increases referred to above may, of course, be made, in accordance with the National War Labor Board's regular procedure, at any local office of the Wage and Hour Division of the U. S. Department of Labor (see § 809.952-6).

§ 809.973 *Interpretation of regulations.* Generally, the order and the regulations prescribe a 48-hour workweek in the areas and activities designated in general orders. However, the regulations provide for several exceptions. Whether the orders and regulations issued under the Executive order in question will affect particular concerns and what their effect will be are questions that must be determined in every case by the War Manpower Commission or its regional or local representatives. Neither contracting officers nor labor officers are authorized to interpret or construe the Executive order or the regulations. Therefore, all contractors and subcontractors presenting questions concerning the interpretation or application in particular cases of the orders and regulations will be referred to the War Manpower Commission officials in the appropriate area.

§ 809.974 *Enforcement procedure.* Until the War Manpower Commission has advised the War Department that a particular contractor is failing to comply with the order and the regulations, no action will be taken by any representative of the technical service, either to withhold contracts from such contractor or to require compliance with the order and the regulations by any such contractor. In cases where the War Manpower Commission has found that a particular War Department contractor is not complying with said order and regulations and has so advised the War Department, the chief of the technical service will be notified immediately by the Director, Industrial Personnel Division, Headquarters, Army Service Forces, and it will be the duty of the chief of the technical service or his designated representative promptly to request such contractor to comply with said order and regulations. Whenever any such contractor shall thereafter fail or refuse to comply therewith, report thereof will be made immediately by the chief of the technical service involved to the Director, Industrial Personnel Division.

§ 809.975 *Adjustments to cover increased cost of compliance.* The War Department policy in regard to adjustment for the increased cost of performance occasioned by compliance with said order and regulations is set out in the following Joint Statement of the War and Navy Departments, dated April 1, 1943:

(a) Executive Order No. 9301 and the regulations promulgated thereunder by the War Manpower Commission require all employers in certain areas and all employers in certain industries to adopt the minimum wartime workweek as defined by said regulations. The Executive order directs all procurement agencies of the Government to require their contractors to comply with the order and with the regulations.

(b) While many Government contractors and subcontractors may not be affected, the War Department and Navy Department recognize that some contractors and subcontractors will be obliged to extend the workweek of their employees and will be required to pay premium rates for the additional hours involved, with the result that their labor costs will be increased. The Departments also recognize that such compliance may result in hardship to some contractors who have cooperated with the Departments in efforts to secure prices as close to cost plus a fair profit as is possible under war conditions, and that such hardship may result in the impairment of the ability of many contractors, particularly small contractors, to continue effectively to produce war goods.

(c) Accordingly, the following policy has been adopted by the War Department and Navy Department:

(1) Where, during the course of performance of a lump sum contract or subcontract, a contractor or subcontractor has been required to increase the workweek of employees in order to comply with Executive Order No. 9301 and the regulations of the War Manpower Commission promulgated thereunder; and

where, because of premium overtime rates required by Federal law or Executive order, such compliance has resulted in an increase in the cost of performance of such contract or subcontract, over and above cost of performance had such increase in the workweek not been so required; and where such increase in the cost of performance would cause hardship to such contractor or subcontractor, the War Department and Navy Department will give consideration in appropriate cases to granting relief from such hardship.

(2) Generally speaking, it will be regarded that hardship exists only in cases where the increase in the cost of performance of a War Department or Navy Department contract resulting from compliance with the order and the regulations operates to deprive the contractor of a fair profit on the contract.

(3) Where contracts under which such increases are sought relate to commodities, supplies or articles which are subject to OPA ceiling prices, any adjustment to be made must be within such ceiling prices or subject to approval in particular cases by the Office of Price Administration.

(4) Requests by subcontractors for such relief must in all cases be presented through prime contractors and adjustments, made for the benefit of subcontractors, shall be made only through prime contractors.

§ 809.975-1 *Time limit for filing requests for adjustment.* No requests for adjustments of the type above described will be considered unless they are presented to the contracting officer prior to the time the contracting officer has administratively determined the final amount due under the contract under which the request is presented by communicating his determination to the contractor or by the approval of the final voucher therefor.

§ 809.975-2 *Procedure for adjustment.* Requests for adjustment must be presented to the contracting officer of the technical service involved. Such adjustments as are made in the amount of the contract price with prime contractors will be made by supplemental agreement between the technical service and the prime contractor. No adjustment will be made by direct contract with subcontractors. The latter should make request for adjustments through their prime contractors and the amounts of such adjustments as are appropriate, made for the benefit of such subcontractors, will be included in supplemental agreements with the prime contractors.

§ 809.975-3 *Nature of showing required for adjustment.* No adjustment will be made without a proper showing which must include the following:

(a) That the contractor or subcontractor was required, by the Executive order in question as interpreted and applied to his case by the War Manpower Commission regulations, to increase the workweek of some or all of his employees.

(b) The amount of the increased labor costs incurred because of premium overtime rates involved in compliance with the minimum wartime workweek.

(c) The amount of savings, through reduced overhead costs or otherwise, resulting from the adoption of the longer workweek.

(d) The total contract price of War Department contracts or subcontracts on which an adjustment is sought; the estimated amount of net earnings before taxes that would have accrued thereon had not the increased labor costs been incurred.

§ 809.975-4 *Authority to execute supplemental agreements.* Whenever the chief of the technical service, or such person within the technical service to whom the authority so to act has been delegated by the chief of the technical service, shall find in the light of the showing made by the contractor and verified to the extent feasible within the technical service:

(a) That the increase in the cost of performance of a War Department contract or subcontract, resulting from compliance with Executive Order No. 9301 and the regulations promulgated thereunder, operates to deprive the contractor or subcontractor of a fair profit on the contract, or subcontract, and

(b) That it is appropriate, in the light of all the facts known to him, or reasonably ascertainable by him, bearing upon the earnings of the contractor or subcontractor from its war business, to grant relief;

he is authorized to enter into supplemental agreement pursuant to the First War Powers Act and Executive Order No. 9601 awarding the contractor an additional amount, not in excess of the diminution of the amount of a fair profit on such contract or subcontract, caused by such compliance.

SUBPART J—STATE LABOR LEGISLATION

§ 809.977 *War Department policy respecting State labor legislation.* It is the policy of the War Department to require its contractors to comply with all applicable State labor statutes, and the rules and regulations promulgated thereunder. This requirement applies even where a contractor, by reason of operating a government-owned facility located on territory owned by the United States, might otherwise be exempt.

§ 809.978 *Requests for relaxation of State labor legislation.* In all cases in which manufacturers engaged in war production deem necessary to the achievement of full war production the relaxation of State labor statutes or administrative orders which are restricting or are allegedly restricting war production, the following procedure will be observed:

§ 809.978-1 *Procedure for requests.* (a) The interested contractor will submit the initial request for such relaxation to the State Labor Commissioner or other State officials charged with the enforcement of labor legislation in the State or region where the plant of the manufacturer involved is located.

(b) In the event that the contractor's request for relaxation is denied, the technical service concerned may assist the contractor by supporting the request for

relaxation by direct representation to the appropriate State official.

(c) The labor branches of the service commands may be called upon to render staff assistance relative to the foregoing.

(d) If the desired relaxation has not been obtained after exhausting the above procedure, and the appropriate War Department agency continues to urge its necessity, the matter may be referred through channels to the Director, Industrial Personnel Division, Headquarters, Army Service Forces, Attention: Chief, Labor Branch. Such referrals should contain the following information:

(1) Provision or provisions of law the relaxation of which is required.

(2) Extent of relaxation required.

(3) Criticalness or relative scarcity of the material.

(4) Circumstances necessitating the relaxation (such as, for example, a shortage in the local supply of skilled labor)

(5) Remedial action being taken by the manufacturer (such as, for example, training and upgrading)

(6) Efforts previously made to obtain the relaxation.

§ 809.978-2 *Refusal of requests.* Requests for assistance in obtaining a relaxation will be refused in cases in which:

(a) The contractor has not already requested the proper State authorities for such relaxation.

(b) Such relaxation is clearly unnecessary to maintain full production.

(c) The granting thereof would result in a clearly excessive increase in hours of work, in an unreasonable curtailment of rest and lunch periods, or in an undesirable impairment of working conditions.

SUBPART K—EMPLOYMENT OF ALIENS

§ 809.980 *Joint statement.* Under date of June 7, 1943, the Secretary of War, the Attorney General, the Secretary of the Navy and the Chairman of the Maritime Commission issued a joint statement on the employment of aliens. This statement reads as follows:

I. INTRODUCTORY STATEMENT

1. The protection of the war effort against espionage, sabotage, and subversive activities is paramount to all other considerations. The Departments of War, Justice and Navy, and the maritime Commission, recognize clearly the importance of meeting to the fullest possible extent the expanding military and industrial demands for manpower. The governmental agencies herein named are, therefore, making this joint statement with respect to the national policy to the end that the available manpower may be utilized by contractors and sub-contractors to the maximum degree consistent with the paramount importance of internal security.

2. The granting of full employment opportunities to all loyal and qualified workers irrespective of national origin or citizenship is urged upon and expected of all contractors and sub-contractors of the government agencies herein named. The applicable national policy was clearly stated by the President in his statement of July 11, 1942, in which he said:

Persons should not hereafter be refused employment, or persons at present employed discharged, solely on the basis of the fact that they are aliens or that they were

formerly nationals of any particular foreign country. A general condemnation of any group or class of persons is unfair and dangerous to the war effort. The Federal Government is taking the necessary steps to guard against, and punish, any subversive acts by disloyal persons, citizens as well as aliens.

3. The policy and procedure herein outlined apply to the employment of aliens by Government contractors and subcontractors within the continental United States. Special regulations apply to the employment of aliens on shipboard and in territories outside of the continental United States.

II. PERMISSION TO EMPLOY AN ALIEN IS REQUIRED IN ONLY TWO CLASSES OF CASES

4. Contractors and subcontractors are required to obtain the written consent of the head of the Government department concerned, before employing aliens under the following conditions only:

(a) *Aeronautical contracts.* Written consent is required before an alien employee may be permitted to have access to the plans or specifications or the work under construction or to participate in the contract trials under contracts involving aircraft, aircraft parts, or aeronautical accessories for the United States.

(b) *Classified contracts.* Written consent is required before aliens employed by a contractor in the performance of secret, confidential, or restricted Government contracts shall be permitted to have access to the plans or specifications, or the work under such contracts, or to participate in the contract trials.

5. War and Navy Department and Maritime Commission contractors and subcontractors may employ aliens as freely as American citizens except under the specific conditions specified in paragraph 4, (a) and (b), above.

III. APPLICATION OF ANTIDISCRIMINATION CLAUSE

6. Pursuant to Executive Order No. 8802, dated June 25, 1941, an antidiscrimination clause (sometimes called "nondiscrimination" clause) has been included in all War and Navy Department and Maritime Commission contracts entered into since June 25, 1941. This clause requires the granting of full employment opportunities to all loyal and qualified workers regardless of race, creed, color, or national origin. This clause is intended to apply equally to citizens and noncitizens. For contractors or subcontractors of the War and Navy Departments, or of the Maritime Commission to require American citizenship as an essential condition for employment is considered a breach of the clause in the contract and is contrary to the national policy as expressed in the Executive order.

7. Even on aeronautical and classified contracts, if a qualified applicant whose services the contractor needs is an alien whose loyalty to the United States the contractor has no reason to doubt, the contractor is obligated to cooperate with the applicant in applying for consent to his employment. Failure to request consent for the employment of, or to employ such an alien upon securing consent, if except for his alien status he would have been employed, constitutes a breach of the anti-discrimination clause of the contract and is contrary to national policy as expressed in the Executive order. If a contractor refuses employment to a qualified and authorized alien worker, he should be prepared to present specific and sufficient reasons to avoid a charge of discrimination.

8. In no case, except those in which an individual alien is denied employment by the specific action of the War or Navy Departments or the Maritime Commission, is a contractor justified in informing an applicant that he is being refused employment because of Government regulations. The same considerations apply to removal from employment.

IV. PROCEDURE FOR REQUESTING CONSENT TO EMPLOY ALIENS FOR WORK ON AERONAUTICAL OR CLASSIFIED CONTRACTS

9. In order to obtain consent of the Head of the Government Department concerned, for the employment of an alien on an aeronautical or classified contract, the alien and the contractor are required to fill out their respective parts of an Alien Questionnaire form. The procedure in this connection is as follows:

(a) The alien may go to the nearest office of the United States Employment Service, which will furnish him with the application form and will assist him in filling out his portion of the Questionnaire. However, if the contractor has forms and office facilities conveniently available, the alien may go directly to the contractor's plant and may there fill out his portion of the Questionnaire. The Plant Security Officer is instructed to furnish to contractors the Alien Questionnaire forms. However, the form may also be secured from the local office of the United States Employment Service.

(b) When the alien's portion of the Questionnaire has been completed, the form will then be submitted to the employer who will fill out his portion of the Questionnaire. Insofar as possible, statements made by the contractor or reported by him, regarding the loyalty of the alien, should be factual rather than simply expressions of opinion.

(c) When the contractor has completed the Alien Questionnaire, (seven copies), he will retain one copy and will deliver the others to the plant security officer. This officer will retain one copy and will forward the others to the authorized representative of the head of the department concerned.

(d) This representative, after full investigation of the loyalty of the alien applicant, makes his recommendation, pursuant to which the Secretary of War, the Secretary of the Navy, or the Chairman of the Maritime Commission grant or deny consent to employ the alien. Notice of such action is sent directly to the contractor. In the normal case, the employer should receive a decision on his request within less than two weeks from the date the application is filed with the plant security officer.

V. SIGNIFICANCE OF, AND APPEALS FROM DENIAL OF CONSENT

10. The denial of consent does not necessarily indicate a decision that the alien concerned has disloyal tendencies, but may merely mean that his loyalty to the United States has not yet been positively proved.

11. If consent is denied, the contractor should promptly so inform the alien applicant, and at the same time advise him as to possible reconsideration.

12. Reconsideration of a denial of consent may be requested by either the alien or the contractor and additional evidence of loyalty and letters of recommendation, may be sent direct to the Office of the Provost Marshal General.

13. Aliens whose applications for employment on aeronautical or classified contracts have been denied by the Secretary of War, the Secretary of the Navy, or the Chairman of the Maritime Commission, should be directed to the United States Employment Service for referral to other work.

VI. NO PENALTIES APPLY IF CONSENT IS OBTAINED BEFORE EMPLOYING ALIENS ON AERONAUTICAL AND CLASSIFIED CONTRACTS

14. Some contractors and sub-contractors have hesitated to employ aliens because of a lack of clear understanding of the statutory restrictions, and concern as to the penalty for violation thereof. It is repeated and emphasized that the only restrictions are those set forth in paragraph 4 above, and that an employer is not subject to any penalty if, in good faith, he obtains the written consent of the head of the Government department concerned before an alien is permitted to

have access to the work, plans, or trials under aeronautical or classified contracts.

VII. RESPONSIBILITIES FOR PLANT SECURITY

15. The contractor is responsible for the protection of the plant against all persons who might endanger its security, regardless of their citizenship. Contractors will comply with detailed regulations concerning plant security issued from time to time by the War and Navy Departments and the Maritime Commission, including:

(a) complying with the provisions of their contracts respecting the safeguarding of all plans and specifications and all work under these contracts; (b) in any case and at any time where there is a definite indication that an employee is subversive or engaged in subversive activities, no investigation will be conducted by the employer, but the facts will be furnished to the Federal Bureau of Investigation for appropriate consideration. (Employees have the same duty of reporting in this regard as have employers.)

VIII. PRIOR STATEMENTS AND CONTRACT PROVISIONS

16. This joint statement is applicable with equal force to the employment of aliens under all existing contracts. If any clause of any existing contract prescribes greater restrictions on the employment of aliens than are hereby required or permitted, the Government will waive compliance with such clause, to the extent that it conflicts with this Statement.

17. All previous statements of the Department of War, Navy, Justice and the Maritime Commission with respect to the policy and procedure in connection with the employment of aliens, are hereby superseded insofar as they may be inconsistent with any statements contained herein.

HENRY L. STIMSON,
Secretary of War.

FRANCIS BIDDLE,
Attorney General.

FRANK KNOX,
Secretary of the Navy.

E. S. LAND,
Chairman, U. S. Maritime Commission.

§ 809.980-1 *Form of contract provision.* For the form of provision relating to employment of aliens required by regulation to be included in all top secret, secret, confidential or restricted contracts, see § 803.337.

§ 809.981 *Anti-discrimination contract clause.* The anti-discrimination clause (see § 803.325) required in contracts under the provisions of Executive Order No. 9346 issued under date of May 27, 1943 (see Subpart L of this part) prohibits discrimination against any employee or applicant for employment because of "national origin." This is construed as prohibiting discrimination based on non-citizenship as well as discrimination based on country of origin.

§ 809.982 *Procedure.* It is to be noted that under Article IV of the Joint Statement set forth in § 809.980 it is contemplated that the Alien Questionnaire, when completed, will be delivered to the plant security officer. If, at a given plant, there is no plant security officer, the questionnaire should be delivered to the Director of Internal Security at the Headquarters of the service command within the limits of which the plant is located.

SUBPART L—FAIR EMPLOYMENT PRACTICE

§ 809.984 *Executive Order No. 9346.*
(a) Executive Order No. 9346 issued un-

der date of May 27, 1943 (sometimes hereinafter referred to as the order), reaffirmed the policy of the United States "that there shall be no discrimination in the employment of any person in war industries or in Government by reason of race, creed, color, or national origin" and declared it to be "the duty of all employers, including the several Federal departments and agencies, and all labor organizations, in furtherance of this policy and of this order, to eliminate discrimination in regard to hire, tenure, terms or conditions of employment, or union membership because of race, creed, color or national origin." In addition the order provided as follows:

1. All contracting agencies of the Government of the United States shall include in all contracts hereafter negotiated or renegotiated by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of race, creed, color, or national origin and requiring him to include a similar provision in all subcontracts.

2. All departments and agencies of the Government of the United States concerned with vocational and training programs for war production shall take all measures appropriate to assure that such programs are administered without discrimination because of race, creed, color, or national origin.

(b) The order also established, in the Office for Emergency Management of the Executive Office of the President, a Committee on Fair Employment Practice, and authorized this Committee, among other things, to formulate policies to achieve the purposes of the order, to receive and investigate complaints of discrimination forbidden by its terms and to promulgate such rules and regulations as might be appropriate or necessary, to carry out the provisions of the order.

(c) The "anti discrimination" clause to be included in War Department contracts, in compliance with the order, may be found in § 803.325.

§ 809.985 *Interpretations of Executive Order No. 9346 by the Committee on Fair Employment Practice.* Pursuant to the authority vested in it by Executive Order No. 9346, the Committee on Fair Employment Practice has issued the following interpretations under the order:

(1) The words "all contracts hereafter negotiated or renegotiated" include all contracts made, amended or modified.

(2) A non-discrimination provision is required in leases, grants or easements, right of way, etc., to the same extent that it is required in other contracts.

(3) The obligation to include the non-discrimination clause exists even though the contract involves non-war activity.

(4) The obligation to include the non-discrimination clause exists even though the contract is required to be awarded to the lowest bidder.

(5) The obligation to include the non-discrimination clause exists even though the contract is between a Federal Government Agency and a State agency or subdivision of a state.

(6) The obligation to include the non-discrimination clause does not depend on the amount of money or other consideration involved in the performance of the contract.

(7) The non-discrimination provision required does not refer to, extend to or cover the activities or business of the contractor which are not related to or involved in the performance of the contract entered into.

(8) Inclusion of a non-discrimination provision is not required in contracts the performance of which does not involve the employment of persons.

(9) Inclusion of a non-discrimination provision is not required in contracts with foreign contractors for work to be performed outside the continental or territorial limits of the United States where no recruitment of workers within the said limits of the United States is involved.

(10) The non-discrimination clause is not required in contracts renewed pursuant to an option to renew in accordance with the terms, conditions and provisions contained in the original contract.

(11) The requirement that parties to contracts with the Government of the United States (or agencies of said Government) include a non-discrimination clause "in all subcontracts" is not applicable to lessors of space in buildings except in cases where the Government of the United States (or any agency thereof) is the only tenant involved, or unless a sub-contract is entered into solely for the purpose of performing an obligation (or obligations) imposed by the Government lease.

(12) The requirement that parties to contracts with the Government of the United States (or agencies of said Government) include a non-discrimination clause "in all sub-contracts" is applicable only in those cases in which the sub-contract is entered into solely for the purpose of enabling the prime contractor to fulfill an obligation (or obligations) imposed by the Government contract.

§ 809.986 *Amendment of contracts and subcontracts not containing anti-discrimination clauses.* (a) The contract clause set forth in § 803.325 is required, under the provisions of Executive Order No. 9346 to be included "in all contracts hereafter negotiated or renegotiated * * *". The inclusion of the word "renegotiated" has been interpreted as imposing the requirements set forth in paragraphs (a) and (b).

(b) Whenever the terms of a contract or contracts are to be modified by the execution of a supplemental agreement, and the contract or contracts to be modified do not contain a clause identical in wording with that set forth in § 803.325, such supplemental agreement will provide that the contract or contracts are modified to include such a clause.

(c) Normally the provisions of paragraph (b) of this section will not be applicable to renegotiation agreements executed pursuant to the Renegotiation Act referred to in Procurement Regulation No. 12 (Part 812). If, however, the renegotiation agreement expressly purports to modify the terms of specified existing contracts with respect to future deliveries, the provisions of paragraph (b) of this section will be applicable. Likewise, if the renegotiation agreement is to be followed by a supplemental agreement or agreements, modifying, with respect to future deliveries, the terms of existing contracts, such supplemental agreement or agreements will provide for the inclusion, in the contracts modified thereby, of the clause set forth in § 803.325.

(d) When a prime contract is amended in accordance with paragraphs (a) and (b) of this section, it is not necessary that the existing subcontracts be correspondingly modified. However, if the subcontracts are subsequently amended for any other reason the anti-discrimina-

tion clause contained therein should be amended to conform to the wording of paragraph (a) (1) of the clause set forth in § 803.325.

§ 809.987 *Employment of aliens.* See Subpart K of this part relating to employment of aliens, particularly § 809.981.

SUBPART M—MISCELLANEOUS

§ 809.989 *Division engineers; addresses and territorial jurisdictions.* Following is a list of the addresses of the Division Engineers of the Corps of Engineers with an indication of the service command in which each is located. The territorial jurisdiction of the Division Engineers is coextensive with that of the service commands.

New England Division: 75 Federal Street, Boston 10, Mass. First Service Command.

North Atlantic Division: 21st Floor, 270 Broadway, New York 7, N. Y. Second Service Command.

Middle Atlantic Division: Room 909, 101 E. Fayette Street, Baltimore 2, Md. Third Service Command.

South Atlantic Division: 50 Whitehall Street, P. O. Box 4114, Atlanta 2, Ga. Fourth Service Command.

Ohio River Division: 1120 Huntington Bank Building, Columbus 16, Ohio. Fifth Service Command.

Great Lakes Division: 20 North Wacker Drive, Chicago 6, Ill. Sixth Service Command.

Missouri River Division: Farm Credit Building, 18th and Douglas, Omaha 1, Nebr. Seventh Service Command.

Southwestern Division: Santa Fe Building, 1114 Commerce Street, Dallas 2, Tex. Eighth Service Command.

Pacific Division: 351 California Street, San Francisco, Calif. Ninth Service Command.

§ 809.990 *Regional War Labor Boards; geographical jurisdictions and addresses.*

Region I: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island. 209 Washington Street, Boston 8, Mass.

Region II: New York, the Northern part of New Jersey (including following counties: Sussex, Passaic, Bergen, Warren, Morris, Essex, Hudson, Union, Middlesex, Somerset, Monmouth, Hunterdon). 220 E. Forty-second Street, New York 17, N. Y.

Region III: Pennsylvania, Maryland, Delaware, District of Columbia, Southern part of New Jersey (including following counties: Mercer, Ocean, Burlington, Atlantic, Camden, Gloucester, Salem, Cumberland, Cape May). Room 428, Stephen Girard Building, 21 So. 12th Street, Philadelphia 7, Pa.

Region IV: Virginia, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, Florida. P. O. Box 1322, Atlanta, Ga.

Region V: Ohio, Kentucky, West Virginia. Guardian Building, 629 Euclid Avenue, Cleveland 1, Ohio.

Region VI: Illinois, Indiana, Wisconsin, Minnesota, North Dakota, South Dakota. McCormick Building, 332 So. Michigan Avenue, Chicago 4, Ill.

Region VII: Missouri, Arkansas, Kansas, Iowa, Nebraska. 1100 Fidelity Building, 911 Walnut Street, Kansas City 6, Mo.

Region VIII: Texas, Oklahoma, Louisiana. Mercantile Bank Building, P. O. Box 5281, Dallas 2, Tex.

Region IX: Colorado, New Mexico, Utah, Wyoming, Idaho, Montana. 300 Paramount Building, Denver 2, Colo.

Region X: California, Nevada, Arizona. 1355 Market Street, San Francisco 3, Calif.

Region XI: Michigan. Room 230, Penobscot Building, Detroit 26, Mich.

Region XII: Washington, Oregon, Alaska. 1411—4th Avenue, Seattle 1, Wash.

Hawaii: Territorial War Labor Board. Building "E" Iolani Palace Grounds. Honolulu, T. H.

§ 809.991 *Wage and Hour and Public Contracts Divisions of the United States Department of Labor Regional Offices, geographical jurisdictions and addresses of Regional Directors.*

Region I: Massachusetts, New Hampshire, Maine, Vermont, Connecticut, Rhode Island. 294 Washington Street, Boston 8, Mass.

Region II: New York and New Jersey. 341 Ninth Avenue, New York 1, N. Y.

Region III: Pennsylvania and Delaware. 1216 Widener Building, Chestnut and Juniper Streets, Philadelphia 7, Pa.

Region IV: Virginia, West Virginia, Maryland, District of Columbia. 215 Richmond Trust Building, 627 East Main Street, Richmond 19, Va.

Region V: North Carolina, South Carolina, Georgia, Florida. 249 Peachtree Street, N. E., Atlanta 3, Ga.

Region VI: Alabama, Mississippi, Louisiana. 1007 Comer Building, 2nd Ave. and 21st St., Birmingham 3, Alabama.

Region VII: Tennessee and Kentucky. 509 Medical Arts Bldg., Nashville 3, Tenn.

Region VIII: Ohio and Michigan. 4094 Main Post Office, West Third and Prospect Avenue, Cleveland 13, Ohio.

Region IX: Illinois, Indiana, Wisconsin. 222 West North Bank Drive, Chicago 54, Ill.

Region X: North Dakota, South Dakota, Minnesota, Montana. 406 Pence Building, 730 Hennepin Avenue, Minneapolis 3, Minn.

Region XI: Kansas, Nebraska, Iowa, Missouri, Colorado, Wyoming. 911 Walnut Street, Kansas City 6, Mo.

Region XII: Texas, Oklahoma, Arkansas, New Mexico. 1100 Main Street, Dallas 2, Tex.

Region XIII: California, Arizona, Nevada, Washington, Oregon, Idaho, Utah, Hawaii, Alaska. 500 Humboldt Bank Building, 785 Market Street, San Francisco 3, Calif.

Alaska: Territorial Representative. 411 Territorial Post Office Building, Juneau, Alaska.

Puerto Rico: Territorial Representative. P. O. Box 112, San Juan 1, Puerto Rico.

§ 809.992 *Salary Stabilization Regional Offices of the Salary Stabilization Unit, Bureau of Internal Revenue, geographical jurisdictions and addresses.*

Boston: Room 1102, 44 School St., Boston 8, Mass. Serving the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut.

New York: 253 Broadway, New York 7, N. Y. Serving the State of New York and the Fifth Collection District of New Jersey which includes Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren Counties.

Philadelphia: Suite 1313, Market Street National Bank Building, NE. corner Market and Juniper Streets, Philadelphia 7, Pa. Serving the State of Pennsylvania and the First Collection District of New Jersey which includes Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean and Salem Counties.

Washington: Room 2529, Internal Revenue Building, Twelfth and Constitution Ave. NW., Washington 25, D. C. Serving the District of Columbia, Puerto Rico and the States of Delaware, Maryland, Virginia, West Virginia and North Carolina.

Atlanta: Room 717, William Oliver Bldg., 32 Peachtree St. NW., Atlanta 3, Ga. Serving the States of South Carolina, Georgia, Florida, Alabama and Tennessee.

Cleveland: Williamson Bldg., 215 Euclid Avenue, Cleveland 14, Ohio. Serving the States of Ohio and Kentucky.

Detroit: Penobscot Bldg., 645 Griswold St., Detroit 26, Mich. Serving the State of Michigan.

Chicago: Utilities Building, 327 South LaSalle St., Chicago 4, Ill. Serving the States of Illinois, Wisconsin, Minnesota, North Dakota, South Dakota and Indiana.

Kansas City: 610 R. A. Long Bldg., 928 Grand Ave., Kansas City 6, Mo. Serving the States of Missouri, Iowa, Nebraska, Kansas and Colorado.

Dallas: 701 Cotton Exchange Bldg., 608 North St. Paul Street, Dallas 1, Tex. Serving the States of Arkansas, Oklahoma, Mississippi, Louisiana, Texas and New Mexico.

Seattle: Room 312, Smith Tower Annex, 157 Yesler Way, Seattle 4, Wash. Serving the States of Washington, Oregon, Idaho, Montana, Wyoming and the Territory of Alaska.

San Francisco: Room 204 Balboa Building, 593 Market St., San Francisco 5, Calif. Serving the States of Nevada, Utah, the Territory of Hawaii and the First Collection District of the State of California which includes Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, Eldorado, Fresno, Glenn, Humboldt, Inyo, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tulare, Tehama, Trinity, Tuolumne, Yolo, and Yuba Counties.

Los Angeles: Suite 902, Subway Terminal Building, 417 South Hill Street, Los Angeles 13, Calif. Serving the State of Arizona and the Sixth Collection District of the State of California which includes Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara and Ventura Counties.

Honolulu: Room 101, Federal Building, Honolulu 9, T. H.

§ 809.993 *Delegations of authority to War Department.*

§ 809.993-1 *General Order No. 14 of the National War Labor Board.* General Order No. 14, adopted by the National War Labor Board on November 24, 1942, was amended on August 17, 1943, to read as follows:

AUTHORIZATION TO THE WAR DEPARTMENT TO PASS ON WAGE AND SALARY ADJUSTMENTS FOR DESIGNATED CIVILIAN EMPLOYEES

(A) The National War Labor Board hereby delegates to the Secretary of War, to be exercised on his behalf by the Wage Administration Section within the Industrial Personnel Division, Headquarters, Army Service Forces (hereinafter referred to as the "War Department Agency"), the power to rule upon all applications for wage and salary adjustments (insofar as approval thereof has been made a function of the National War Labor Board) covering civilian employees within the continental limits of the United States, employed by:

- (1) The War Department
- (2) The Army Exchange Service, and
- (3) Government-owned, privately-operated facilities of the War Department,

all in accordance with the further provisions of this order.

(B) There shall be a standing tripartite Appeals Committee, to consist of two representatives to be appointed by the War Department Agency and two representatives each of industry and labor to be appointed by the National War Labor Board. The Committee may have such assistants as the Board may designate. The Board hereby delegates to the Appeals Committee the power to pass upon appeals from rulings by the War Department Agency under category A (3) above, and to perform such other duties as are hereinafter prescribed.

(C) In the performance of their respective duties the War Department Agency and the Appeals Committee shall comply with the terms of Executive Order No. 9250, dated October 3, 1942, Executive Order No. 9328,

dated April 8, 1943, the Supplementary Directive of May 12, 1943, and all general orders and policies of the National War Labor Board announced thereunder.

Any wage or salary adjustment approved by the Agency "which may increase production costs above the level prevailing in comparable plants or establishments" shall become effective only if also approved by the Director of Economic Stabilization. Notice to this effect shall be contained in all rulings and orders issued by the War Department Agency in wage cases.

Applications for approval of voluntary wage adjustments within the jurisdiction of the War Department Agency shall state whether or not the adjustment if granted may increase production costs above the level prevailing in comparable plants or establishments. If the answer is in the affirmative, the War Department Agency shall send to the War Labor Board for processing to the Office of the Director of Economic Stabilization a copy of the application and a copy of its ruling at the time of issuance thereof, for approval as mentioned above.

The War Department Agency, without making an initial ruling thereon, may refer to the Board for decision by the Board any case which in the opinion of the Agency presents doubtful or disputed questions of sufficient seriousness and import to warrant direct action by the Board.

(D) The War Department Agency and the Appeals Committee shall transmit to the Wage Stabilization Division of the National War Labor Board copies of their respective rulings and rules of procedure as they are issued. In administering the provisions of this order the Agency shall also transmit monthly reports of its rulings to the Wage Stabilization Director of the National War Labor Board, and such additional data as said Division or the Board may from time to time deem necessary.

(E) Any ruling by the War Department Agency hereunder shall be final, subject

(1) To the National War Labor Board's ultimate power to review rulings on its own initiative, and

(2) In cases under category A (3) above, to the right of any aggrieved party, within a period of fourteen days after the issuance of the ruling, to file an appeal with the Appeals Committee.

(F) Any ruling by the Appeals Committee hereunder shall be final, subject

(1) To the National War Labor Board's ultimate power to review rulings on its own initiative, and

(2) To the right of any aggrieved party, including the War Department within a period of fourteen days after the issuance of the ruling, to petition the National War Labor Board for leave to appeal to the Board. The burden shall be upon the petitioner in such cases to show why the Board should be called upon to act.

(G) Any ruling by the War Department Agency hereunder shall be deemed to be the Act of the National War Labor Board unless and until reversed or modified by the Appeals Committee or by the Board.

(H) The term "government-owned, privately-operated facilities of the War Department" shall include for the purposes of this Order only those facilities (1) in which the War Department has contractual responsibility for the approval of pay roll costs, and (2) which are designated in lists furnished from time to time, to the Board by the War Department Agency. The Board may at any time, upon at least seven days' notice to the War Department Agency, strike from the list any facility if the Board believes that the policies of Executive Order No. 8017, Executive Order No. 9250, Executive Order No. 9328, or the Supplementary Directive of May 12, 1943, will be furthered by the Board's acting directly upon the wage and salary adjustments of such facility.

(I) Where disputes about wages and salaries arise between the private operators of

said facilities and their employees, the following procedure shall be followed. The dispute shall first be referred for negotiation to the U. S. Conciliation Service. If an agreement is reached, that portion of the agreement pertaining to wages shall be submitted to the War Department Agency for approval. If no agreement is reached, the dispute shall be referred for decision to the appropriate Regional Board, subject to the regular rules of procedure of the National War Labor Board. At the same time, the War Department Agency shall be notified of the dispute and the nature of the case. On its own initiative the Agency may request the Regional Board for any further information concerning the case. When a decision has been reached by the Regional Board, copies of the Board's decision shall be sent to the War Department Agency and the Wage Stabilization Director of the National War Labor Board at the same time that copies are sent to the parties in the dispute. Within the fourteen day period allowed for filing a petition for review, the War Department Agency may request a review of the case according to the rules of procedure, as amended, of the National War Labor Board.

NOTE: The standing tripartite Appeals Committee mentioned in General Order No. 14 consists of:

For the War Department—Col. W. F. Volandt, Assistant Chief, Procurement Division, OAC/AS, Material and Services, HQ, Army Air Forces, and Col. Ralph L. Hart, executive assistant to the Chief of Field Services, Ordnance Department.

For labor—John Brophy, director of industrial union councils of the CIO, and Fred Hewett, editor of the International Association of Machinists (AFI) Journal.

For industry—Clarence Skinner, Washington manager of the Automotive Parts and Equipment Manufacturers Association, and Henry S. Woodbridge, Assistant to the president of the American Optical Co.

§ 809.993-2 *General Order No. 37 of the National War Labor Board.* The National War Labor Board hereby supplements General Order No. 36 by delegating to the Secretary of War, or to such agency as he may designate, subject to final review by the National War Labor Board, the authority to establish wage or salary schedules for civilian employees of the War Department in the various government-owned, government-operated installations located in the Territory of Hawaii, in accordance with the provisions of the Act of Congress of October 2, 1942, Executive Order 9250 dated October 3, 1942, Executive Order 9328 dated April 8, 1943, the Supplementary Directive of May 12, 1943 and all other Executive orders and regulations issued thereunder, subject to the following limitations:

(a) The June 6, 1944 level of wage and salary rates prevailing in army installations in the Territory of Hawaii shall be maintained in accordance with the directions subsequently set forth in this order.

(b) Exclusive of the Hawaiian Air Depot, the approval of any wage or salary schedules resulting from job reclassifications shall not cause an overall increase in the job rates as weighted by the number of employees in each job classification in all the establishments to which that schedule is applied, to exceed five percent.

(c) Wage rates to be established through job classifications for the Hawaiian Air Depot shall be in conformity with the schedules for other War Depart-

ment installations established in the Territory.

(d) The rates for any new job classifications subsequently created in any War Department installation shall bear the proper relationship to the rates for immediately interrelated job classifications in that installation.

NOTE: Pursuant to the authority vested in him by General Order No. 37 of the National War Labor Board, the Secretary of War has designated the War Department Wage Administration Agency as the agency to exercise all powers delegated to him in that order. (See § 809.952-3(d).)

§ 809.993-3 *Delegation from the Commissioner of Internal Revenue.* By letter dated 24 December 1942, the Commissioner of Internal Revenue delegated to the Secretary of War the authority to administer the provisions of Executive Order No. 9250, General Regulations of the Director of Economic Stabilization and the Salary Stabilization Regulations as they relate to salary adjustments, which come under the jurisdiction of the Commissioner of Internal Revenue, of all civilian employees employed by the War Department within the continental limits of United States and Alaska, the Army Exchange Service and Government-owned, privately-operated facilities of the War Department. The full text of the letter follows:

DECEMBER 24, 1942.

The Honorable, THE SECRETARY OF WAR.

MY DEAR MR. SECRETARY: Reference is made to your letter dated December 1, 1942, addressed to the Secretary of the Treasury, wherein it is suggested that an arrangement be adopted so that the Secretary of War may have the authority to administer the provisions of Executive Order No. 9250, General Regulations of the Director of Economic Stabilization and the Salary Stabilization Regulations, as they relate to salary adjustments which come under the jurisdiction of this office, of all civilian positions of the War Department within the continental United States and Alaska. The delegation of authority would also cover salary adjustments for personnel under the Army Exchange Service and in Government owned, privately operated plants. It is further requested that the authority delegated be exercised on behalf of the Secretary of War by the Wage Administration Section in the Civilian Personnel Division Headquarters, Services of Supply. Under the plan suggested the Wage Administration Section would have authority to act on cases covered by the policies of this office and will present to the Commissioner of Internal Revenue a request for a decision of any case not so covered. There was attached to your letter a Wage Administration Manual for ungraded civilian jobs.

In accordance with your request, there is hereby delegated to the Secretary of War, as the agent of the Commissioner, to be exercised on his behalf by the Wage Administration Section within the Civilian Personnel Division, Headquarters, Services of Supply (hereinafter referred to as the War Department Agency) authority to rule upon all applications for salary adjustments (insofar as approval thereof has been made a function of the Commissioner of Internal Revenue) covering civilian employees within the continental limits of the United States and Alaska, employed by the War Department, the Army Exchange Service and Government owned, privately operated facilities of the War Department.

This delegation is subject to the following conditions:

1. The War Department Agency, without making initial ruling thereon, may refer to the Commissioner of Internal Revenue for decision any case which in the opinion of the agency presents doubtful and disputed questions of sufficient importance to warrant direct action by the Commissioner.

2. The War Department Agency shall transmit to the Commissioner of Internal Revenue copies of its rulings and rules of procedure as they are issued and such additional data and reports as the Commissioner may from time to time deem necessary.

3. Any ruling by the War Department Agency shall be final, subject to

(a) the Commissioner's ultimate power to review rulings on his own initiative;

(b) the right of any aggrieved party to take an appeal to the Commissioner from the ruling of the War Department Agency within a period of ten days after the date of such ruling. An appeal shall be filed with the War Department Agency to be forwarded to the Commissioner for action.

Any ruling by the War Department Agency shall be deemed to be the act of the Commissioner of Internal Revenue, unless and until reversed or modified by him, and any such reversal or modification shall take effect from the date recited in the order of modification or reversal.

4. Any ruling of the War Department Agency under this delegation of authority shall be effective from the date of the receipt of the application for salary adjustment and in no case should the War Department Agency issue a ruling which would have a retroactive effect; except, however, in those cases where a salary adjustment was made in good faith and consistent with the provisions of Executive Order No. 9250, prior to the date of this letter, retroactive approval may be made if the application for approval is filed with the War Department Agency on or before January 15, 1943.

5. The "Government owned, privately operated facilities of the War Department" which are to be subject to the terms of this delegation shall be only those which are named in lists furnished from time to time to the Commissioner of Internal Revenue by the War Department Agency. The Commissioner of Internal Revenue may at any time, upon at least seven days' notice to the War Department Agency, strike from the list any facility, if the Commissioner of Internal Revenue believes that the policies of the Executive Order No. 9250, the regulations promulgated by the Economic Stabilization Director and those of the Commissioner of Internal Revenue require that the Commissioner of Internal Revenue act directly upon the wage and salary adjustments of such facility.

Since the Wage Administration Section in the Headquarters, Services of Supply, has the technical staff and has made the necessary preparation to apply the provisions of the Executive Order No. 9250 and the regulations throughout the War Department, it is believed that the foregoing delegation of authority will aid in the expeditious handling of the salary adjustment program.

Very truly yours,

GUY T. HELVERING,
Commissioner.

§ 809.994 *Minimum wage determinations.* Sections 809.994-1 to 809.994-44, inclusive, contain the minimum wage determinations of the Secretary of Labor under the Walsh-Healey Public Contracts Law.

§ 809.994-1 *Knitting, knitwear and woven underwear.* The knitting, knitwear, and woven underwear industry is

defined for the purposes of this determination as follows:

(a) The manufacturing, dyeing, or other finishing of any knitted fabric made from any yarn or mixture of yarns, and the manufacturing of knitted towels and cloths;

(b) The knitting from yarn or manufacturing from knitted fabric of knitted garments, sections of garments, or garment accessories except gloves, mittens, hosiery, belts manufactured from purchased knitted fabric, and any product the manufacture of which is covered by the prevailing minimum wage determination for the suit and coat branch of the uniform and clothing industry (§ 809.994-34)

(c) The manufacturing of underwear and bathing suits from any woven fabric.

Date effective. April 20, 1943.

Wage. Not less than 40 cents an hour or \$16.00 for a week of 40 hours, arrived at either upon a time or piece-work basis. Learners may be employed at subminimum rates only in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under Fair Labor Standards Act, as amended on June 28, 1943, which were adopted for the purposes of this determination.

§ 809.994-2 *Gloves and mittens industry.* The gloves and mittens industry is defined for the purpose of this determination as that industry which manufactures gloves and mittens (except athletic gloves and mittens) from any material (other than rubber) or from any combination of materials (other than rubber)

Date effective. January 16, 1943.

Wage. 40 cents an hour or \$16.00 for a week of 40 hours arrived at either upon a time or piece-work basis. Learners may be employed at subminimum rates only in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act, as amended on March 22, 1943, which were adopted for the purposes of this determination.

§ 809.994-3 *Seamless hosiery industry.* Manufacture or furnishing of seamless hosiery.

Date effective. July 8, 1943.

Wage. 40 cents per hour or \$16.00 per week for a week of 40 hours, arrived at either upon a time or piece-work basis. Learners may be employed at sub-minimum rates only in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act, which were adopted for the purposes of this determination.

§ 809.994-4 *Men's hat and cap industry.* Manufacture or supply of men's hats and caps, including men's white sailor and other stitched cloth hats, men's fur-felt hats, men's uniform caps, and women's hats, men's uniform caps, and women's hats and caps of similar design and construction.

Date effective. March 2, 1944.

Wage. 67.5 cents an hour or \$27.00 per week of 40 hours, arrived at either upon a time or piece-work basis.

(a) *Variation from minimum wage determination.* A tolerance of not more than 20 percent of the employees in any one factory, whose activities at any given time are subject to the provisions of the Walsh-Healey Public Contracts Act is

granted for auxiliary workers in the men's hat and cap industry except that there shall be no limitation on the number or proportion of auxiliary workers employed in the uniform cap and stitched hat branches of the industry, provided that any auxiliary workers in the industry shall be paid not less than 40 cents an hour or \$16 per week of 40 hours, arrived at either upon a time or piecework basis.

(b) *Definition of "auxiliary workers."* The term "auxiliary workers" as applied to the employees in the uniform cap and stitched hat branches of the industry shall include only those employees engaged in auxiliary occupations enumerated and defined as follows:

(1) *Hand clipping.* The operation of separating component parts of the article after they have been sewn.

(2) *Hand cleaning.* The operation of removing excess threads from the article or removing stains or dust.

(3) *Size stamping.* The operation of stamping the head size mark on the article.

(4) *Floor boys (girls).* One who carries items of work to and from the various departments.

(5) *Examining.* The operation of inspecting the article for imperfections during any stage of manufacture.

(6) *Sweat band, braid, and strap cutter and measuring.* The operation of measuring and cutting bands, straps and ribbons.

(7) *Turning.* The operation of turning the article inside out or outside in.

(8) *Packing.* The operation of packing the finished caps into shipping containers, spraying larvex or moth flakes; if necessary, inserting tissue paper in caps and inserting a cardboard ring stiffener to support crown of cap.

(9) *Shipping and receiving.* The operation of unloading and checking stock and preparing containers for shipment.

(10) *Waste material sorting.* The operation of separating paper from the rags whether performed in the cutting room or elsewhere.

(11) *Hand stapling.* The operation by hand pressure of a wire stapling machine to join together parts of the article, to attach labels, bows or cloth to the article or part of the article, or to join ends of a cardboard strip to form a packing ring.

(12) *Drawstring pulling.* The operation of slipping a cord or drawstring through part of a cap, hood or helmet.

(13) *Basting pulling.* The operation of pulling out basting threads.

(14) *Porter.* The operation of cleaning floors or carrying boxes.

(15) *Band and braid fitting.* The operation of placing by hand but not sewing on a cap a prepared band or braid.

(16) *Wire stiffener inserting.* The operation of slipping a wire ring into the cap.

(17) *Hand buckling.* The operation of slipping a buckle on a strap.

(18) *Visor inserting.* The operation of inserting a canvas stiffener into a cloth pocket before the visor is attached.

(19) *Pasting.* The operation of attaching a label or ticket to a part of hat with paste or glue.

(20) *Hand button inserting.* The operation of inserting, by hand, into a prepared hole a button and bending over clips to hold the button in place, or inserting a button with a threaded neck, and screwing a nut on neck to hold button firm.

(21) *Hand hole punching.* The operation of punching a hole into material by use of an ice pick or similar pointed hand instrument.

(22) *Wire cutting and ring forming.* The operation of cutting a wire to length and joining the ends to form a stiffener ring.

(23) *Hand eyeletting.* The operation by hand pressure of a machine to attach an eyelet to the article.

(24) *Hand snap fastening.* The operation by hand pressure of a machine to attach a snap fastener to the article.

§ 809.994-5 *Rainwear industry.* Manufacture or supply of men's raincoats, including vulcanized and rubberized raincoats and raincoats made from material known under the registered trademark of "Cravenette" or from fabric chemically or otherwise treated so as to render it water-resistant, of oiled waterproof cotton outer garments, and of other types of rainwear.

Date effective. December 4, 1942, except that learners may be employed at subminimum rates, in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division, on or after December 4, 1942, in the performance of contracts, bids for which were solicited or negotiations otherwise commenced by the contracting agency prior to that date.

Wage. 40 cents an hour or \$16 per week of 40 hours, arrived at either upon a time or piecework basis. Learners may be employed at subminimum rates only in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938, as amended on June 28, 1943, which were adopted for the purposes of this determination.

§ 809.994-6 *Cotton garment and allied industries.* The cotton garment and allied industries shall be understood to be that industry which manufactures or furnishes any of the following commodities:

Trousers, knickers, work pants, and breeches (except when made wholly of wool and uniform trousers and breeches made wholly or partially of wool) dress or work shirts and nightwear of any material except knit fabric; overalls, overall jackets, and one-piece overall suits; work coats and work jackets (except wool and wool-lined, and leather and sheep-lined); washable service apparel (hospital, professional, etc.); other cotton outerwear of any material except knit fabric; barrack bags; bandoleers; ammunition and cartridge belts made of textiles; canvas leggings; cot covers; fabrics pouches and carriers for first aid equipment, such as: kit canteen ring straps, kit inserts, kit laces, kit pouches and kit suspenders; mattress covers; mosquito bars; and wardrobe bags with draw-strings, made of textiles.

Date effective. July 20, 1942.

Wage. 40 cents per hour or \$16.00 per week of 40 hours, arrived at either upon a time or piece work basis.

Learners may be employed at subminimum rates only in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act, as amended on June 28, 1943, which were adopted for the purposes of this determination.

§ 809.994-7 *Men's neckwear industry.* Manufacture and supply of men's neckwear (exclusive of knitted neckwear) and of women's ties of design and construction similar to such men's neckwear.

Date effective. July 8, 1943, except that learners and apprentices may be employed at subminimum rates in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division, on or after July 8, 1943, in the performance of contracts bids for which were solicited or negotiations otherwise commenced by the contracting agency prior to that date.

Wage. 50 cents per hour or \$20.00 per week for a 40-hour week arrived at either upon a time or piece work basis. Learners and apprentices may be employed at subminimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act which were adopted for the purposes of this determination.

Establishments manufacturing products as defined in this industry shall be granted a tolerance for persons actually employed as boxers and trimmers: *Provided*, That such boxers and trimmers be paid not less than 40 cents per hour or \$16.00 per week for a 40-hour week and not less than the piece rates paid to all other workers in the same occupational classification.

§ 809.994-8 *Dimension granite industry.* Including monumental stone, building stone, paving blocks, curbing, riprap, and rubble, but not crushed stone.

Date effective. January 15, 1938.

Wage. In Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and New York—\$7.5 cents per hour or \$23.00 per week based on a 40-hour week, arrived at either on a time or piece work basis.

In North Carolina, Virginia, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Mississippi, Louisiana, Arkansas, and Texas—40 cents per hour or \$16.00 per week based on a 40-hour week, arrived at either on a time or piece work basis. Effective July 8, 1944.

In Pennsylvania, New Jersey, Delaware, Maryland, District of Columbia, West Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, California, Oregon and Washington—42.5 cents per hour or \$17.00 per week based on a 40-hour week, arrived at either on a time or piece work basis.

Monumental stone, building stone, paving blocks, curbing, riprap, and rubble, specifically made subject to the minimum wage determination for the dimension granite industry, are exclusively products of granite quarries, and such stones when the products of other quarries are not subject to the minimum wage determination for the dimension granite industry.

§ 809.994-9 *Shoe manufacturing and allied industries.* The term "shoe manufacturing and allied industries" means:

(a) The manufacture or partial manufacture of footwear from any material and by any process except knitting, vulcanizing of the entire article or vulcanizing (as distinct from cementing) of the sole to the upper.

(b) The manufacture or partial manufacture of the following types of footwear, subject to the limitations of paragraph (a) but without prejudice to the generality of that paragraph:

Athletic shoes	Puttees, except spiral
Boots	puttees
Boot tops	Sandals
Burlap shoes	Shoes completely re-
Custom made boots	built in a shoe
or shoes	factory
Moccasins	Slippers

(c) The manufacture from leather or from any shoe-upper material of all cut stock and findings for footwear, including bows, ornaments, and trimmings.

(d) The manufacture of the following types of cut stock and findings for footwear from any material except from

rubber or composition of rubber, molded to shape:

Cutsoles	Shanks
Midsoles	Boxtoes
Insoles	Counters
Taps	Stays
Lifts	Stripping
Rands	Sock linings
Toplifts	Heel pads
Bases	

(e) The manufacture of heels of any material except molded rubber, but not including the manufacture of wood-heel blocks.

(f) The manufacture of cut upper parts for footwear, including linings, vamps and quarters.

(g) The manufacture of pasted shoe stock.

(h) The manufacture of boot and shoe patterns.

Date effective. July 11, 1942.

Wage. 40 cents an hour or \$16.00 for a week of 40 hours, arrived at on a time or piece work basis.

Learners, handicapped workers, and apprentices may be employed in accordance with the following regulations under the Fair Labor Standards Act of 1938, which are hereby adopted for the purpose of this wage determination: Regulations Applicable to the Employment of Learners (29 CFR, Cum. Supp., Part 523); Regulations Applicable to the Employment of Handicapped Persons (29 CFR, Cum. Supp., Part 524); Regulations Applicable to the Employment of Apprentices (29 CFR, Cum. Supp., Part 521); and the Regulations Applicable to the Employment of Handicapped Clients in Sheltered Workshops (29 CFR, Cum. Supp., Part 525).

Nothing in this determination shall be interpreted as abrogating any obligation that may have been incurred under the previous determination for the men's welt shoe industry.

§ 809.994-10 *Handkerchief industry.* The handkerchief industry, for the purpose of this determination, is defined as follows: The manufacture of men's, women's and children's handkerchief, plain or ornamented, from any material.

Date effective. July 8, 1943.

Wage. 40 cents per hour or \$16.00 per week of 40 hours, arrived at either upon a time or piece-work basis. Learners may be employed at subminimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938 which were adopted for the purposes of this determination.

§ 809.994-11 *Envelope industry.* Envelopes.

Date effective. May 12, 1938.

Wage. 42.5 cents per hour or \$17.00 per week for a week of 40 hours, to be arrived at either upon a time or piece work basis.

§ 809.994-12 *Vitreous or vitrified china industry.* Vitreous or vitrified china, excluding semivitreous or semi-vitrified china.

Date effective. May 19, 1938.

Wage. 42.75 cents per hour or \$17.10 per week for a week of 40 hours, to be arrived at either upon a time or piece work basis. The Administrator for the Public Contracts Division, Department of Labor, advises the above applies only to "tableware, kitchenware, dinnerware, and kindred lines, and not to plumbers' and sanitary supplies."

§ 809.994-13 *Leather leather trimmed, and sheep-lined garments indus-*

try. All leather, leather trimmed, and sheep-lined garments for men, women, or children.

Date effective. September 19, 1941.

Wage. 42.5 cents per hour or \$17.00 per week of 40 hours, arrived at either upon a time or piece rate basis.

NOTE: The Administrator of Public Contracts, Department of Labor, in letter dated January 6, 1942, states that it has been determined that sheep-lined aviation helmets and leather aviation helmets come within the purview of the above determination.

§ 809.994-14 *Flint glass industry.* The flint glass industry produces such types of glassware as illuminating, table glassware, all thin blown glass, thermos bottles, chemical and laboratory ware, perfumery ware, stoppers and bottles, and the like, which character of glassware is produced by the pressed, pressed and blown, off hand and blown method, cutting and polishing; in fact, all types of glassware other than window, plate, and rolled glass, common bottles, containers, and prescription glassware.

Date effective. July 12, 1938.

Wage. 42.5 cents an hour or \$17.00 per week for a week of 40 hours, arrived at either upon a time or piece work basis.

NOTE: The Department of Labor has advised that this wage determination is intended to cover all types of glassware other than window, plate and rolled glass, common bottles, containers, and prescription glassware. Among the items particularly included under this intended coverage are fiberglass and fiberglass products.

§ 809.994-15 *Luggage, leather goods, belts, and women's handbag industry.* The luggage, leather goods, belts, and women's handbag industry is defined for the purpose of this determination as follows:

(a) The manufacture from any material of luggage including, but not by way of limitation, trunks, suitcases, traveling bags, brief cases, sample cases; the manufacture of instrument cases covered with leather, imitation leather, or fabric including, but not by way of limitation, portable radio cases; the manufacture of small leather goods and like articles from any material except metal; the manufacture of women's, misses' and children's handbags, pocketbooks, purses, and mesh bags from any material except metal; but not the manufacture of bodies, panels, and frames from metal, wood, fiber, or paper board for any of the above articles.

(b) The manufacture from leather, imitation leather, or fabric of cut stock and parts for any of the articles covered in paragraph (a) of this section.

(c) The manufacture of men's, boys', women's, misses' and children's separate belts from leather, imitation leather, or other material or fabric.

Date effective. April 20, 1943.

Wage. Not less than 40 cents an hour or \$16.00 per week of 40 hours, arrived at either upon a time or piece work basis. Apprentices may be employed at subminimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act, which were adopted for the purposes of this determination. Learners may be employed at subminimum rates in the performance of contracts for the manufacture or furnishing of articles covered by paragraph (c) in accordance with

the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act, which were adopted for the purposes of this determination.

§ 809.994-16 *Fireworks industry.* Commercial fireworks, fuses, flares, and railroad torpedoes.

Date effective. September 8, 1944.

Wage. 40 cents an hour or \$16.00 per week for a week of 40 hours; arrived at either upon a time or piece work basis.

§ 809.994-17 *Wool carpet and rug industry.* Wool carpets and rugs (exclusive of rag rugs)

Date effective. October 15, 1938.

Wage. 40 cents an hour or \$16.00 per week of 40 hours, to be arrived at either upon a time or piece work basis.

§ 809.994-18 *Tag industry.* Tags.

Date effective. September 23, 1941.

Wage. 40 cents an hour or \$16.00 per week of 40 hours, arrived at either upon a time or piece work basis.

§ 809.994-19 *Aircraft manufacturing industry.* (a) The following illustrative list of commodities, their parts and accessories is understood to be within the scope of the aircraft manufacturing industry wage determination (included are not only those products which were originally construed to be within this industry, but also those products which have since been included by interpretation. This list is subject to revision as additional interpretation of products is made)

Airplanes
Engines, aircraft-type
Glider
Propellers, aircraft and parts and accessories, such as—

Airplane spare parts and accessories

Accumulators, landing gear
Adapter assembly for oxygen masks
Adapters and plungers

Allerons
Ammunition rounds
counters and contractors

Axles
Beaching gear
Bomb bay tanks
Bomb hoists

Bomb rack assemblies

Bomb shackles
Booster coils
Brackets

Brake hose and hose fittings

Cabin center panel for windshield

Cable terminals
Cables, motor trigger
Clevises

Clips
Conduit and pipe fittings

Control assemblies for bomb release interval

Control equipment for turrets

Controls, air brake

Couplings

Cowlings
De-icer equipment (except rubber) for propeller, windshield and carburetor venturi
Pump, oil supply tank, control and distributing valve

Domes, plexiglas navigating
Elbows
Elevators

Fairings
Ferrules
Fins

Fittings, structural
Fixtures: master and articulated rod bearing and bushing

Flaps, wing
Flare racks
Floats

Generators
Hinges

Holisting slings
Hooks, arresting
Hose assemblies

Housings
Hulls, seaplane

Hydraulic pressure regulators

Hydraulic windshield wipers

Jumpers, bonding
Landing gear:

Brakes
Oleo struts:

Skis
Tires
Wheels

Lever
Locks, oleo leg

Mount assemblies: Gun, ammunition box

Mounts:

Camera, engine, and generator
Oleo packing
Operating cylinders

Panel, wing
Pedals

Pins, fitting
Posts

Pulleys
Recoil dampeners, gun

Reservoirs
Retracting cylinders

Rudders
Seats, pilot

Shackles
Shock struts and cords

Solenoids
Spars

Sponsons
Stabilizers

Struts, shock (oleo) and parts

Supports
Switches: Electrical, gun control

Swivels
Tabs

Tail skids
Tail surfaces

Tail wheel assemblies
Tail wheel caster knuckles

Tanks
Thimbles

Tie rods
Tips, wing

Tow target releases and drags

Trigger motors
Turnbuckles

Turret ammunition boxes and mount assemblies

Turrets
Valves

Vents
Wings

Engine parts and accessories

Adapters
Arms

Baffles
Bushings

Cages
Cams

Carburetor manifold jackets

Carburetors
Closures

Collector rings
Control systems

Counterweights
Covers, metal

Crankcases
Crankshafts

Cylinder barrels
Cylinder heads

Dowels
Drives

Filters: Air, gasoline

Fuel injection systems

Gear boxes
Glands

Guides
Heating systems

Housings
Ignition harness

Impellers, supercharger
Intercoolers

Jets
Magnetos

Manifolds:

Intake, exhaust
Oil coolers
Oil separators

Pipes
Pistons

Plates
Priming equipment

Pumps: Air, fuel, oil, vacuum

Radiators
Rockers

Rods
Seats, valve

Shafts
Slingers

Spacers
Spark plugs

Starters
Strainers

Studs
Sumps

Superchargers
Tappets

Temperature regulating equipment

Tubes
Valves: engine, gasoline (pilot operated, manual control, syphon)

Propeller parts

Barrels
Blades

Brackets
Brakes

Bushings
Cams

Collars
Controls

Counterweights
Cylinders

Domes
Gears

Governors
Housings

Hubs
Pistons

Spiders
Spinners

Specialized servicing equipment

Airplane mooring kits

Cable testing machines

Chock assemblies
Clubs, test

Radio assemblies for servicing aircraft parts

Combination workstand-ladder assemblies

Dollies

Energizer assemblies

Engine heaters

External power units for hand inertia starters

Pump testing units

Special testing equipment for aircraft, engine, and propeller parts and accessories

Special tools and stand assemblies for the assembly, disassembly, and repair of aircraft and the engines, propellers, parts, and accessories therefor

Tables, propeller aligning

(b) Specifically excluded from the scope of the industry are:

Fabricated textile products: Fabric covers (including engine-warming covers); parachutes; safety belts; tow targets; wind socks. Pyrotechnics: Engine starter cartridges; flares, signals.

Electrical and radio equipment: Batteries; electric wire and cable; intercommunication equipment; landing and navigation lights; lighting systems; radios; radio compasses.

Rubber products: Rubber de-icing equipment; flotation gear; life preservers; life rafts; bonded rubber mountings; vibration dampers; rubber utilities; tires and tubes.

Machine shop products and machinery: Bearings; bolts, nuts, rivets, screws, and washers; gas refueling systems (including refueling pumps); gears and sprockets; piston rings; springs; wire rope.

Miscellaneous products: Cameras; fire extinguishers; first aid equipment; gaskets; instruments; lavatory equipment; lighter-than-air craft.

Date effective. May 7, 1942.

Wage. 50 cents an hour or \$20.00 for a week of 40 hours, arrived at on a time or piece-work basis.

§ 809.994-20 *Bobbnet industry* (See § 809.994-21 (Textile industry).)

§ 809.994-21 *Iron and steel industry.* This determination covers only pig iron, iron or steel ingots, and rolled or drawn iron or steel products, as hereinafter stated, and such fabricated iron or steel products as are specifically named but does not include any unspecified coated, insulated, forged, or cast items. The definition as formulated below describes the products of the iron and steel industry and the provisions thereof do not apply to any production in open hearth and electric furnaces other than that specifically enumerated.

The iron and steel industry is defined to mean and include the business of producing and selling all or any one or more of the following products:

Axles—rolled or forged.
Bale ties—single loop.
Bars—alloy steel, hot rolled.
Bars—cold finished, carbon and alloy.
Bars—concrete reinforcing, straight lengths.
Bars—ingots, blooms and billets—iron.
Bars—merchant steel.
Bars—tool steel.
Ferro-manganese and spiegeleisen.
Girder rails and splice bars therefor.
Ingots, blooms, billets and slabs—alloy.
Ingots, blooms, billets and slabs—carbon.
Light rails—60 pounds or less per yard, and splice bars and angle bars therefor.
Standard tee rails of more than 60 pounds per yard, and angle bars and rail joints therefor, or any of such products.

Mechanical tubing.

Pig iron—foundry, high silicon silvery, malleable, open hearth basic, Bessemer, and high silicon Bessemer.

Pig iron—low phosphorus.

Pipe—standard, line pipe, and oil country tubular products.

Plates.

Posts—fence and sign.

Railroad tie plates.

Railroad track spikes.

Sheet bars.

Sheets.

Skelp.

Steel sheet piling.

Strip steel—cold rolled.

Strip steel—hot rolled.

Structural shapes.

Tube rounds.

Tubes—boiler.

Wheels—car, rolled steel.

Wire—drawn.

Wire hoops—twisted or welded.

Wire nails and staples, twisted barbed wire, barbed wire, twisted wire fence stays and wire fencing (except chain-link fencing).

Wire rods.

Wire—spring.

Wire—telephone.

Date effective.—Note. This determination was originally effective March 1, 1939, but its operation was subsequently suspended due to court proceedings. Its operation was again resumed effective May 27, 1940.

Wage. Whether arrived at on a time or piece work basis, 45 cents per hour in the locality consisting of the States of Louisiana, Arkansas, Mississippi, North Carolina, South Carolina, Florida, Oklahoma, Texas, Alabama, Tennessee, Georgia, Virginia, and West Virginia (except the counties of Hancock, Brooke, Ohio, Harrison, Monongalia, and Marshall);

60 cents per hour in the locality consisting of the States of Washington, Oregon, California, Montana, Idaho, Nevada, Wyoming, New Mexico, Utah, Colorado, and Arizona;

58½ cents per hour in the locality consisting of the States of North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, and the area in and about East Saint Louis, Illinois;

62½ cents per hour in the locality consisting of the States of Wisconsin, Illinois (except the area in and about East Saint Louis, Illinois), Michigan, Indiana, Ohio, Pennsylvania, Delaware, Maryland, Kentucky, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and that portion of the State of West Virginia comprised within the counties of Hancock, Brooke, Ohio, Marshall, Harrison, and Monongalia, and the District of Columbia.

Provided. That apprentices may be employed at lower rates if their employment conforms to the standards of the Federal Committee on Apprenticeship.

This wage determination has heretofore been interpreted to cover the following:

Plate, armor;
Strips, galvanized;
Sheets, galvanized;
Plates, galvanized;
Shapes, structural, galvanized;

and to exclude the following:

Wire, telephone, insulated;
Rods, welding, coated.

§ 809.994-22 *Tobacco industry.* The tobacco industry, for the purposes of this determination, is defined to include the manufacture of cigarettes, of chewing and smoking tobaccos, and of snuff, but to exclude the manufacture of cigars.

Date effective. December 4, 1942.

Wage. 40 cents an hour, or \$16 per week of 40 hours, arrived at either upon a time or piecework basis. Learners may be employed at sub-minimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938 which were adopted by the Secretary of Labor for the purposes of this determination.

§ 809.994-23 *Furniture industry.* This determination applies to all contracts subject to the basic law, for any of the commodities included in the determination under the wood furniture branch, the public seating branch, and the metal furniture branch of the furniture manufacturing industry.

(a) *Metal furniture branch.*—(a) *Definition.* The metal furniture branch of the furniture manufacturing industry is

defined to be that industry whose products include:

Metal office furniture: Vertical filing cabinets; horizontal sections and half sections, and bookcases; hi-line and bookshelf units; desks; tables; chairs; storage cabinets; and wardrobes.

Metal hospital furniture.

Metal household furniture.

Steel shelving: Industrial and general purpose steel shelving, miscellaneous fittings, attachments, and accessories.

Steel lockers: Box lockers; single-tier lockers; double-tier lockers; two-person and compartment lockers; miscellaneous fittings as used in schools, clubs, gymnasiums, commercial, and industrial establishments.

Visible filing equipment: Cabinets; panels.

Date effective. May 13, 1939.

Wage. 45 cents an hour or \$18.00 per week of 40 hours, arrived at either upon a time or piece rate basis.

(2) *Extension of minimum wage determination.* Metal furniture branch.

Date effective. July 28, 1941.

Wage. That the minimum wage determination for the metal furniture branch of the furniture industry is extended to the manufacture of metal cabinets for printers' type; metal cabinet partitions; metal tool boxes, tool cabinets, and tool chests; metal trunks, box type; metal rotating bins; metal sectional bins; and metal work benches, desks, and tables.

(3) *Steel fabric springs.* It has been determined that the manufacture of steel fabric springs for metal folding cots, when to be supplied on government contracts subject to the Public Contracts Act, is covered by the metal furniture branch of the furniture manufacturing industry minimum wage determination (Cir. Let. No. 4-44, 25 March 1944, Dept. of Labor).

(b) *Public seating branch.* The public seating branch of the furniture manufacturing industry is defined to be that industry which fabricates, assembles, and installs (by those who fabricate or assemble) public seating (upholstered or unupholstered), fabricated or assembled of wood, plywood, iron, steel, non-ferrous metals or any combinations of these materials, and consisting of the following:

(1) Fixed or connected seating for such public places as theaters, auditoriums, lodges, assembly halls, shoe stores, rinks, ball parks, race tracks, stadia, and other similar buildings and structures;

(2) Pewing, chancel, choir stalls, and related furniture and accessories for ecclesiastical purposes, seats and benches for court houses, hospitals, public waiting rooms, and for other similar public purposes;

(3) Pupils' desks, pupils' tables, pupils' chairs, and school furniture for all educational purposes;

(4) Portable chairs with folding seats in both single and multiple units;

(5) Portable folding seating in single units for other than household use.

Provided. That the following are specifically not included: Tablet armchairs and school chairs fabricated and/or assembled exclusively of wood.

Date effective. August 15, 1942.

Wage. 40 cents an hour, or \$16.00 for a week of 40 hours arrived at either on a time or piece work basis.

(c) *Wood furniture branch.* The wood furniture branch of the furniture manufacturing industry is defined to mean the manufacturing, assembling, upholstering, and finishing, from wood, reed,

rattan, willow, and fiber, of upholstered and other household, office, lawn, camp, porch, and juvenile and toy furniture, including but without limitation porcelain top breakfast furniture and radio, phonograph and sewing machine cases and cabinets; the manufacturing and assembling from wood, of furniture parts for the above, separately set up or knocked down including but without limitation parlor furniture frames and chairs in the white. This definition does not include the manufacture of any product covered by the prevailing minimum wage determination for the public seating branch of the furniture manufacturing industry.

The manufacturing of any products covered under this definition is deemed to begin following the delivery of the wood from the kiln or from the air-dried dimension shed.

Date effective. August 15, 1942.

Wage. 40 cents an hour, or \$16.00 for a week of 40 hours, arrived at either on a time or piece work basis for the District of Columbia, and all States other than California, Washington, and Oregon; and 50 cents an hour, or \$20.00 for a week of 40 hours, arrived at either on a time or piece work basis, for the States of California, Washington, and Oregon.

§ 809.994-24 Drug and medicine industry. Manufacture or packaging of any one or more of the following products:

(a) Drugs or medicinal preparations (other than food) intended for internal or external use in the diagnosis, treatment, or prevention of disease in, or to affect the structure or any function of, the body of man or other animals;

(b) Dentifrices, cosmetics, perfume, or other preparations designed or intended for external application to the person for the purpose of cleansing, improving the appearance of, or refreshing the person.

The foregoing shall not be deemed to include the manufacture or packaging of shaving cream, shampoo, essential (volatile) oils, glycerine, and soap, or in the milling or packaging without further processing of crude botanical drugs.

Date effective. September 19, 1941.

Wage. 40 cents per hour or \$16.00 per week of 40 hours, arrived at either upon a time or piece rate basis.

§ 809.994-25 Photographic supplies industry (excluding motion picture equipment of 35 mm. or over) (a) The following illustrative list of commodities is understood to be within the scope of the photographic supplies industry wage determination (included are not only those products which were originally construed to be within this industry, but also those products which have since been included by interpretation. This list is subject to revision as additional interpretation of products is made)

Accessories and parts, photographic: bellows, cable releases, cones, film rewinders, filters, lenses, magazines, reels, shades, shutters, splicers, spools, synchronizers. Cameras.

Developing and printing equipment (except photographic chemicals) contract printers, driers, dry-mounting presses, enlargers, hangers, racks, stands, straighteners, tanks, washers, wringers.

Films, sensitized or unsensitized: photographic, X-ray.

Finders, photographic: view, range.

Flashlight apparatus, photographic (except lamps).

Frames, printing, photographic.

Holders, plate, photographic.

Machines: blueprint coating and reproduction, photocopying, photographic, photostat.

Projectors and their accessories and parts (except lamps).

Screens, photographic or X-ray intensifying, projection.

Sensitized supplies, photographic: cloths, films, papers, plates, slides.

Tripods, photographic.

Vectograph.

(b) Specifically excluded from the scope of this industry are: Blueprint, brownprint, black-line, and blackprint paper and cloth; photoengraving equipment; built-in photographic laboratory fixtures; camera mounts; dropknife type print trimmers; cameras, projectors, and photographic accessories and parts of the 35 mm. size or larger (motion picture) photographic chemicals; and lamps.

Date effective. August 14, 1939.

Wage. 40 cents an hour of \$16.00 per week of 40 hours, arrived at either upon a time or piece work basis. Learners may be employed at lower rates for a period of not to exceed 60 days if the total number of such workers in any one establishment does not exceed 5 per cent of the workers on the payroll, and if such learners are paid not less than 80 per cent of the minimum wage as determined, or 32 cents an hour or \$12.80 per week of 40 hours, arrived at either upon a time or piece work basis.

§ 809.994-26 Blueprint paper coating industry. The blueprint paper coating industry includes the manufacture or supply of blueprint, brownprint, blackprint, blackline, and other similarly sensitized papers and cloths.

Date effective. October 11, 1940.

Wage. The prevailing minimum wage determination for the photographic supplies industry, set forth in § 809.994-25, has been extended to include the blueprint paper coating industry.

Allowances or tolerances. None.

§ 809.994-27 Soap industry. Soap in bars, cakes, chips, and flakes, and in granulated, powdered, paste, and liquid forms, and glycerine; cleansers containing soap, scouring powders, and shaving soaps, and creams containing soap, and washing compounds containing soap.

Date effective. August 14, 1939.

Wage. 40 cents an hour or \$16.00 per week of 40 hours, arrived at either upon a time or piece work basis.

§ 809.994-28 Fertilizer industry. Superphosphates; concentrated superphosphates, and concentrated fertilizer from superphosphates, potash, and ammoniates.

Date effective. July 8, 1944.

Wage. 40 cents per hour or \$16.00 per week of 40 hours, arrived at either upon a time or piece-work basis in all States and the District of Columbia other than New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, and Washington, in which eleven States the prevailing minimum wage shall continue to be 50 cents an hour or \$20.00 per week of 40 hours arrived at either upon a time or piece-work basis, in accordance with the determination of August 15, 1939.

§ 809.994-29 "Specialty accounting" supply manufacturing industry. The commodities covered by this determination are as follows:

(a) Autographic and/or credit registers and/or supplies thereof, such as are used in making handwritten records of various transactions.

(1) Autographic registers may be further described as a machine or device for storing, aligning, registering, and issuing copies of hand written records.

(i) The accounting forms are usually folded in zigzag style, although some roll stationery is used. Such accounting forms are usually printed with the name and business of the user, but stock printed forms and plain stationery may be used. One or multiple copies of stationery may be used. Some roll and folder stationery is provided with edge perforations which engage pin sprockets for registration of forms.

(ii) The one or several carbon copies required may be arranged on rolls at right angles to rolls of stationery or such carbon sets may be interleaved with the forms and may cover the entire area or only a part of such forms.

(iii) Registers may be equipped to retain one or more copies of the transaction in a lock compartment and to issue the remaining copies. Registers may be supplied with a cash drawer, which is opened only by an operation which delivers a serially numbered form into a locked compartment.

(2) Credit registers may be further described as a cabinet or device for retaining in orderly arrangement sales tickets representing charge and other transactions.

(i) Such credit registers usually contain a set of vertical-hinged leaves, each leaf containing several numbered springs, the numbers corresponding with customers' names written on an index.

(ii) Such registers usually contain a storage and cash drawer and are sometimes supplied in combination with adding machines.

(b) Continuous form stationery, which is described as multiple sets of "business forms" with or without carbons, attached and/or folded, for use in billing machines, typewriters, and other office equipment. For example, continuous form stationery may be rolled or "fan folded" and may provide any number of copies up to the limit which will take a carbon impression. This type of stationery is usually printed according to specifications. They may be coated with carbon on the back or interleaved with carbon sheets.

(c) Sales and manifold books, which are described as bound books of multiple sets of forms for making original, handwritten records of sales and/or other transactions. For example, sales books are bound books of sales checks or tickets arranged in sets, usually either carbon coated on the back or arranged to fold or lay one or more carbon sheets between each two copies of a set. Translucent sheets are occasionally combined with carbon paper coated on both sides to reduce the number of carbon sheets. Covers may be arranged to fold in for the purpose of providing a better writing surface and may be ruled for tabulating sales. Sales books may or may not be printed.

Date effective. November 1, 1939.

Wage. 40 cents per hour or \$16.00 per week of 40 hours, arrived at either upon a

time or piece work basis. Apprentices may be employed at lower rates if their employment conforms with the standards of the Federal Committee on Apprenticeship.

§ 809.994-30 *Small arms ammunition, explosives, and related products industry.* The following illustrative lists of commodities are understood to be within the scope of the small arms ammunition, explosives, and related products industry wage determination (included are not only those products which were originally construed to be within this industry, but also those products which have since been included by interpretation. This list is subject to revision as additional interpretation of products is made)

(a) *Small arms ammunition.*

Without reference to size—
Cartridges: blank
Engine starter
Howitzer igniting
Mortar igniting
Target rocket igniting
Primers, saluting
Shot shells (empty or loaded)
Riot gun
Shotgun
Not over .50 caliber—
Bullets
Cartridges: machine gun—
Pistol
Revolver
Rifle
Submachine gun
Cases, cartridge, empty
Cores, bullet

and the primers, shot, and wads used in connection with any of the products included in either of the above groups.

Date effective. September 16, 1940.

Wage. 42.5 cents an hour or \$17.00 per week of 40 hours, arrived at either upon a time or piece rate basis. Apprentices may be employed at lower rates than herein determined: *Provided*, Their employment conforms to the standards of the Federal Committee on Apprenticeship.

(b) *Explosives.*

Ammonium picrate
Dinitroglycerol
Dynamite: ammonia, ammonia gelatine, blasting gelatine, gelatine, nitroglycerine, low freezing
Fulminate of mercury
Gellignite
Gun cotton (dry nitrocellulose)
Lead azide
Nitrocellulose: dry, flake
Nitro-starch explosive, compressed
Permissible explosives (Bureau of Mines Bulletin No. 219)
Picric acid
Potassium nitrate
Potassium picrate
Powder: black, blasting, chlorate type, fuse, nitroglycerine, pellet, smokeless cannon, smokeless gun
Spotting charges: M1, M1A1
Tetranitro-aniline
Tetranitro-methane
Tetryl
Tollite
Trinitro-aniline
Trinitro-benzene
Trinitro-cresol
Trinitrotoluol or trinitrotoluene (TNT)
Trinitroxyethylene or trinitroxyol (TNX)
Trinol
Trotlyl

Date effective. September 16, 1940.

Wage. 57.5 cents an hour or \$23.00 per week of 40 hours, arrived at either upon a time or piece rate basis. Apprentices may be employed at lower rates than herein de-

termined: *Provided*, Their employment conforms to the standards of the Federal Committee on Apprenticeship.

(c) *Blasting caps.*

Blasting caps
Detonating caps

Date effective. September 16, 1940.

Wage. 47.5 cents per hour or \$19.00 per week of 40 hours, arrived at either upon a time or piece rate basis. Apprentices may be employed at lower rates than herein determined: *Provided*, Their employment conforms to the standards of the Federal Committee on Apprenticeship.

§ 809.994-31 *Paper and pulp industry.* Pulp and other fiber and the primary conversion of pulp and other fiber into paper and paperboard, and in addition, the manufacture and conversion of primary paper into toilet paper and paper towels, coated book paper, and paper shipping sacks.

Date effective. Determined to be October 15, 1939.

Wage. For the States of Washington, Oregon, and California, 50 cents an hour or \$20.00 per week of 40 hours, arrived at either upon a time or piece-work basis.

For all other States and the District of Columbia, 40 cents per hour or \$16.00 per week of 40 hours, arrived at either upon a time or piece-work basis. Effective July 8, 1944.

The following explanation of this determination has been received from the Public Contracts Division, Department of Labor:

Except for those products listed in the determination as manufactured or converted from primary paper, this determination is limited in application to paper and paperboard manufactured from pulp and other fiber, and to pulp and other fiber of the character used in manufacturing paper and paperboard. The majority of paper and paperboard items purchased by the Government that are subject to this wage determination are classified and listed as follows:

(a) *Book paper, writing paper, and cover paper.* (1) Book paper includes antique-finish, book end, coated book, half-tone, lithograph, machine-finished sized and supercalendered, and offset papers.

(2) Cover paper includes laid cover and machine-finished cover papers.

(3) Writing paper includes bond, duplicate check copies, index, internal revenue, ledger, manifold (including glazed), map, mimeograph, parchment decd, vellum finish, and postage stamp papers.

(b) *Building paper.* Felts and sheathing paper.

(c) *Ground-wood printing and specialty paper.* Blueprint paper (uncensitized), distinctive papers (public debt, securities, etc.), safety papers (safety device incorporated in manufacture of paper), and tracing paper.

(d) *Newsprint paper.* Facing slips and newsprint paper.

(e) *Paperboards.* Back-lining, binder's board or tarboard, bristol board, chip-board, lined boards (box, chip, marble-grained), newsboard, pressboard, red sulphite, tag-board, manilla cardboard, and strawboard.

(f) *Tissue and absorbent paper.* (1) Absorbent paper includes blotting, filter, and matrix paper and board.

(2) Tissue paper includes lens tissue, paper towels, and toilet paper.

(g) *Wrapping paper.* (1) Kraft wrapping paper.

(2) Manila paper includes target paper and uncut label paper.

(3) Plate and roll wiping paper.

§ 809.994-32 *Cement industry.* Portland cements, including modified port-

land cement, such as portland masonry cement and portland puzzolan cement.

Date effective. March 2, 1940.

Wage. Within the States of Pennsylvania, New York, New Jersey, Maryland, West Virginia, Ohio, Delaware, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, and the District of Columbia, 57 cents an hour or \$22.80 per week of 40 hours.

Within the States of Maine, Michigan, Indiana, Kentucky, South Dakota, North Dakota, Nebraska, and Kansas, 50 cents an hour or \$20.00 per week of 40 hours.

Within the State of Illinois, 63½ cents an hour or \$25.40 per week of 40 hours.

Within the States of Wisconsin, Minnesota, Iowa, Missouri, Colorado, Wyoming, Utah, Montana, Idaho, Oregon, Nevada, Arizona, and New Mexico, 55 cents an hour or \$22.50 per week of 40 hours.

Within the State of Washington, 70 cents an hour or \$28.00 per week of 40 hours.

Within the State of California, 62½ cents an hour or \$25.00 per week of 40 hours.

Within the States of Oklahoma and Texas, 47 cents an hour or \$18.80 per week of 40 hours.

Within the States of Arkansas, Louisiana, Alabama, Tennessee, Virginia, Georgia, Florida, Mississippi, North Carolina, and South Carolina, 40 cents an hour or \$16.00 per week of 40 hours.

§ 809.994-33 *Structural clay products industry.* Common brick, face brick, (including glazed and enameled brick), salt glazed brick, manhole brick, structural clay tile (including glazed tile) unglazed face tile, paving brick, and clay or shale granules.

Date effective. July 8, 1944

Wage. 40 cents per hour or \$16.00 per week of 40 hours arrived at either upon a time or piece-work basis.

§ 809.994-34 *Uniform and clothing industry—(a) Suit and coat branch.* The suit and coat branch of the uniform and clothing industry is defined to be that industry which manufactures men's civilian suits and overcoats, tailored-to-measure uniforms including the pants, uniform overcoats, and uniform coats. Expressly excluded from this definition are shirts, single pants regardless of material, outdoor jackets, leather and sheep-lined jackets, work clothing, and washable service apparel.

Date effective. February 25, 1941.

Wage. 60 cents an hour or \$24.00 per week of 40 hours, arrived at either upon a time or piece-work basis, with a 20 percent tolerance for auxiliary workers, *Provided* they be paid not less than 40 cents an hour or \$16.00 per week of 40 hours.

(b) *Outdoor jackets branch.* The outdoor jackets branch of the uniform and clothing industry is defined to be that industry which manufactures wool and wool-lined jackets whether or not such jackets are properly described as mackinaws, field jackets, windbreakers, lumber jackets, peajackets, wool jumpers, or middies, blanket-lined or similar coats, or by any other similar designation.

Date effective. February 25, 1941.

Wage. 40 cents an hour or \$16.00 per week of 40 hours, arrived at either upon a time or piece-work basis.

(c) *Wool trousers branch.* The wool trousers branch of the uniform and clothing industry is defined to be that industry which manufactures wool or

part wool uniform trousers or breeches, except tailored-to-measure trousers.

Date effective. February 25, 1941.

Wage. 40 cents an hour or \$16.00 per week of 40 hours, arrived at either upon a time or piece-work basis.

§ 809.994-35 *Die casting manufacturing industry.* The die casting manufacturing industry is defined to be that industry which manufactures die castings for sale and does not include the manufacture of die castings when incorporated into another product by the manufacture of such other products. The term "die casting" as used herein describes a casting made by forcing molten metal under pressure into a metallic mold or die.

Date effective. April 5, 1941.

Wage. 50 cents an hour or \$20.00 per week of 40 hours, arrived at either upon a time or piece-work basis. Apprentices may be employed at lower rates of pay if their employment conforms to the standards of the Federal Committee on Apprenticeship. Learners may be employed at the rate of 40 cents an hour or \$16.00 per week of forty hours for a period of not to exceed 60 days if the total number of employees classified as such does not exceed 5 per cent of the total number of employees in any one establishment.

§ 809.994-36 *Dental goods and equipment manufacturing industry—(a) Durable goods.*

Hand instruments, including forceps and pliers, broaches and cutting instruments, for dental use.

Dental chairs
Dental cabinets
Equipment units
Dental sterilizers
Dental gas apparatus
Dental X-ray equipment
Dental compressors, engines, and lathes
Dental lights
Dental laboratory equipment, other than laboratory furniture

Date effective. September 23, 1941.

Wage. 40 cents an hour or \$16.00 per week of 40 hours, arrived at either upon a time or piece-work basis.

Apprentices may be employed at lower rates of pay if their employment conforms to the standards of the Federal Committee on Apprenticeship. Learners may be employed at lower rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938.

(b) *Consumable goods.*

Dental gold.
Dental alloy for amalgams.
Dental cement and filling materials.
Teeth, porcelain and gold.
Orthodontic appliances.
Waxes, compounds, and investments.
Rubber dental materials.
Denture materials other than rubber.
Burs, drills, and similar tools for use with handpieces.
Abrasive points, wheels, and disks.

Date effective. July 17, 1944.

Wage. 40 cents an hour or \$16.00 per week of 40 hours, arrived at either upon a time or piece-work basis.

Learners may be employed as provided in paragraph (a) of this section.

§ 809.994-37 *Scientific industrial and laboratory instruments industry.* (a) The following illustrative list of commodities, their components and spare parts is understood to be within the scope of the scientific industrial and laboratory instruments wage determination (included are not only those prod-

ucts which were originally construed to be within this industry, but also those products which have since been included by interpretation. This list is subject to revision as additional interpretation of products is made)

Accelerometers
Aerographs
Alidades
Almanac units, nautical
Altimeters
Altiperiscopes
Ammeters
Analyzers, exhaust gas
Anemometers
Apparatus, micro-projection
Astrographs
Automatic gun, control equipment
Azimuth drums
Balances: analytical
Laboratory, precision, torsion
Balancing machines
Bank and climb control units
Barographs
Barometers
Bars, beam-compass
Bearing circles
Binnacles, compensating
Binoculars
Boards: drafting, plotting
Boro silicate (optical glass)
Brake testing machines, inertia
Bulbs: resistance, thermometer
Bunsen burners
Centrifuge: human, small electric
Chronograph, counter
Clinometers, service
Collimeters: binocular, octant
Compasses: direction, drafting, hull vehicular, gyroscope
Computers, gun data
Controller assemblies
Controls, domestic automatic (humidity, temperature)
Curves: aircraft, altitude correction, drafting
Dials
Directors, ballistic cam
Dividers, proportional
Drafting machines
Dynamometers
Equipment, automatic steering
Fathometers
Filters, ray
Firing control equipment
Flight control equipment, electronic
Fuzes: glass tube, self-indicating
Fuze setters
Galvanometers
Gages: depth, pressure, temperature, vacuum (but not machinists' precision)
Gears, steering (gyroscope)
Generator, pulse
Glass, optical
Glasses, magnifying, reducing
Gyro indicator assemblies
Gyroscopes: directional horizon
Hydrographs, with-out clocks
Hydrometers
Hygrothermographs and accessories
Inclinometers
Indicators: directional, elevation, fuel mixture, salinity, temperature, velocity, level
Instruments: drafting, engineering, laboratory, meteorological, military, navigation, ophthalmic, surveying, aircraft, recording
Lenses (wholly or partially ground and polished) except photographic lenses and except lenses such as are of a noncorrective type used in protective goggles
Lettering devices
Level vials
Liners (paper rulers)
Manometers: liquid, mechanical
Map enlarging outfits
Measures, map
Meters: drift, electric; exposure, water velocity
Microscopes
Milliammeters
Motion picture recording theodolites
Mototracer
Mounts: telescope, bombsight, periscope
Octants
Odometers
Ophthalmic goods
Ophthalmoscopes
Pantographs, drafting
Pelorus assemblies
Pencils, drawing-instrument and parts
Pens barograph, drawing-instrument, thermograph
Periscopes
Pilots, robot
Poles, tubular metal ranging
Potentiometers
Prickers, drawing-instrument
Prisms
Profilometers
Projectors for air mapping
Propeller shaft revolution indicating equipment
Protractors

Psychrometers, sling
Pyrometers
Q Meters
Recording instruments: depth, humidity, light intensity, stress temperature, water stage
Reels, sounding
Reflector, sight
Regulators, gaseous oxygen
Resistance coils for use on scientific instruments
Reticles
Retinoscopes
Rods: Philadelphia level, stadia
Rotors, meteorological
Rules: drafting, slide
Sextants
Sights: drift, telescopic, bomb, computing
Signal assemblies (instruments)
Sound locaters
Sounding equipment, echo
Splines and weights, sets
Stabilizers, bomb
Stadia, computer
Stadimeters
Stereophotogrammetric equipment
Stereoscope, magnifying, lens prism
Stereoscopic plotting instruments (aerial mapping projectors)
Strain measuring equipment
Sunshine detectors (recorders)
Supports: maximum and minimum thermometer, wind instrument

Date effective. September 23, 1941.

Wage. 40 cents an hour or \$16.00 per week of 40 hours, arrived at either upon a time or piece-work basis.

Apprentices may be employed at lower rates of pay if their employment conforms to the standards of the Federal Committee on Apprenticeship. Learners may be employed at the rate of 35 cents an hour or \$14.00 per week of 40 hours for a period of not to exceed 60 days, if the total number of employees so classified does not exceed 10 per cent of the total number of employees in any one establishment in any given payroll or work week.

NOTE: The Department of Labor has issued the following interpretation of the term "optical glass" as used in the above determination:

Optical glass is a generic term applying to that type of glass which after grinding and polishing assumes definite refractive qualities and is intended to include finished products as well as blanks.

By this token, ophthalmic glass and its products, including eye glass lenses, as well as wholly or partially ground and polished lenses for any purpose other than photographic, are covered by the determination.

§ 809.994-38 *Surgical instruments and apparatus industry.* (a) The following illustrative list of commodities is understood to be within the scope of the surgical instrument and apparatus industry wage determination (included are not only those products which were originally construed to be within this industry, but also those products which

Switches for engine cylinder thermometers
Synchronous repeaters and transmitters
Tachometers
Tally counters
Telescopes
Temperature controls: electric, pneumatic
T-Squares
Testing sets and equipment:
Battery
Electric
Fatigue crack
Gage, portable
Hardness
Tension
Valve spring
Wheatstone bridge type
Teststand assemblies:
Tachometer
Automatic pilot
Theodolites and tripods
Thermocouples
Thermographs
Thermometers (except clinical)
Thermostats
Torpedo computer trainer
Tracers
Trainers for pilot instruction
Transits
Transmission systems, gun data
Triangles
Tube assemblies, air-speed
Tube, pitot-static
Vaness, wind-instrument
Vibration measuring instruments
Whirling apparatus

have since been included by interpretation. This list is subject to revision as additional interpretation of products is made)

Adenotomes	Microtomes
Anastomosis buttons	Needles, surgical and hypodermic
Apparatus, blood transfusion	Otosopes
Applicators, metal surgical	Pelvimeters
Aspirators	Perforators
Atomizers	Periosteotomes
Blades, surgeons'	Pharyngoscopes
Bougies, metal	Plates, bone
Bronchoscopes	Pliers, surgical
Catheters	Probrags
Cauteries	Probes, surgical
Chisels, bone	Proctoscopes
Clamps, surgical	Rachitomes
Clips, suture	Raspatories
Cranioclasts	Rasps, surgeons'
Curettes, surgical	Razors, surgical
Cystoscopes	Retractors
Depressors, tongue (metal)	Rongeurs
Dilators	Saws, surgical
Directors, grooved	Scalpels
Dissectors	Scissors or shears, surgical
Drills, bone	Sigmoidoscopes
Drill points	Snares
Elevators, bone, periosteal, rib	Speculas
Endoscopes	Sphygmomanometers, mercurial and aneroid
Forceps, surgical	Spoons, surgical
Forks, tuning	Sterilizers
Gags, mouth	Stethoscopes
Gauges	Strippers, vein
Haemacytometers	Syringes, glass or metal
Hammers, surgical	Sutures
Hemostats	Tenacula
Inhalers, anesthetic	Thermometers, clinical
Instruments, foreign body	Trocars
Intubators	Trepphine
Irrigators	Trepphine points
Knives, surgical	Trachea tubes
Laryngoscopes	Urethrosopes
Ligatures	Urethrotomes
Lithotomes	Wrenches, clubfoot
Mallets, surgical	

§ 809.994-39 Evaporated milk industry. Evaporated milk.

Date effective. November 3, 1941.

Wage. Arrived at either upon a time or piece-work basis:

In the States of Washington, Oregon, and California, 50 cents per hour or \$20.00 per week of 40 hours.

In all other States and the District of Columbia, 40 cents per hour or \$16.00 per week of 40 hours. Effective July 8, 1944.

§ 809.994-40 Paint and varnish industry. Pigments or colors, either in dry or paste form; paints mixed ready for use or in dry or paste form; varnishes, lacquers, enamels; fillers, putty, top dressings; paint and varnish removers; furniture and floor wax; and lacquer thinners.

Date effective. November 6, 1941.

Wage. Arrived at either upon a time or piece-work basis:

For the States of Virginia, North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, Mississippi, Louisiana, and Arkansas, 40 cents an hour or \$16.00 per week of 40 hours.

For all other States of the United States and the District of Columbia, 50 cents an hour or \$20.00 per week of 40 hours.

§ 809.994-41 Leather manufacturing industry. The leather manufacturing industry is defined to be that industry which tans, cures, and finishes leather (including rawhide) from any type of hide or skin, and manufactures wetting

and power transmission belting when made wholly or principally of leather.

(a) *Tanning, currying, and finishing of leather (including rawhide).*

Date effective. December 17, 1941.

Wage. Arrived at either upon a time or piece-rate basis.

In the States of Maine, Vermont, New Hampshire, New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Maryland, Pennsylvania, Delaware, Ohio, Indiana, Michigan, Wisconsin, Illinois, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, Washington, and the District of Columbia, 50 cents an hour or \$20.00 per week of 40 hours.

In the States of West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida, Arkansas, Louisiana, Oklahoma, and Texas, 40 cents an hour or \$16.00 per week of 40 hours.

(b) *Wetting and power transmission belting.*

Date effective. 17 December 1941.

Wage. Arrived at either upon a time or piece rate basis. 40 cents an hour or \$16.00 per week of 40 hours, regardless of where manufactured.

§ 809.994-42 Textile industry. The term textile industry means:

(a) The manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing, bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs containing any wool) from cotton, flax, jute, other vegetable fiber, silk, grass, or any synthetic fiber, or from mixtures of these fibers; or from such mixtures of these fibers with wool or animal fiber (other than silk) as are specified in paragraphs (g) and (h) of this section; except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber;

(b) The manufacturing of batting, wadding, or filling and the processing of waste from the fibers enumerated in paragraph (a) of this section;

(c) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics or cords (except carpets and rugs containing any wool) from any fiber or yarn;

(d) The processing of any textile fabric, included in this definition of this industry, into any of the following products: bags; bandages and surgical gauze; bath mats and related articles; bedspreads; blankets; diapers; dish-cloths; scrubbing cloths and wash-cloths; sheets and pillow cases; tablecloths, lunch-cloths and napkins; towels; window curtains; shoe laces and similar laces;

(e) The manufacturing or finishing of braid, net or lace from any fiber or yarn;

(f) The manufacturing of cordage, rope or twine from any fiber or yarn including the manufacturing of paper yarn and twine;

(g) The manufacturing, or processing of yarn (except carpet yarn containing any carpet wool) or thread by systems other than the woolen system from mixtures of wool or animal fiber (other than silk) with any of the fibers designated in

paragraph (a) of this section, containing not more than 45 percent by weight of wool or animal fiber (other than silk)

(h) The manufacturing, bleaching, dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 percent by weight of wool or animal fiber (other than silk) with any of the fibers designated in paragraph (a) of this section, with a margin of tolerance of 2 percent to meet the exigencies of manufacture;

(i) The manufacturing, dyeing, finishing or processing of rugs or carpets from grass, paper, or from any yarn or fiber except yarn containing any wool but not including the manufacturing by hand of such products.

(j) The manufacture of adhesive tape of the type used with surgical gauze or bandages. (Adhesive tape for industrial purposes is not now subject to any minimum wage determination under the Walsh-Healey Act.)

Date effective. June 24, 1942.

Wage. 40 cents an hour or \$16.00 for a week of 40 hours, arrived at on a time or piece work basis.

Learners may be employed at subminimum rates only in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act, as amended on March 22, 1943, which were adopted for the purposes of this determination.

§ 809.994-43 Chemical and related products industry. The following illustrative list of commodities is understood to be within the scope of the chemical and related products industry wage determination (included are not only those products which were originally construed to be within this industry, but also those products which have since been included by interpretation. This list is subject to revision as additional interpretation of products is made).

The chemical and related products industry includes:

(1) (a) Heavy, industrial, and fine chemicals, including compressed and liquefied gases, and insecticides and fungicides (1939 Census of Manufactures-Industries Nos. 939, 935, 933¹)

(b) The by-products of the foregoing (1939 Census of Manufactures Industries Nos. 931, 932)

(2) The manufacture of such commodities as bluing; bone black, carbon black, and lampblack; cleaning and polishing preparations, blackings, and dressings; mucklage, paste, and other adhesives (1939 Census of Manufactures Industries Nos. 935, 936, 933, 936)

(a) *Illustrative list of commodities.*

Acetylene gas	Blackings
Acid: boric, carboric, oxalic	Bleaching material
Acid wash, deck covering	Bluing
Alcohol, (except wood)	Bone black
Amine, alkylated	Burnishing ink
Ammonia, anhydrous	Cadmium lithopone
Ammonia, household	lemon salt
Ammonium nitrate	Calcium silicate
Auramine	Calomel
Bichromate of soda	Carbon black
	Carbon dioxide (dry ice)
	Carbonate, strontium
	Caseln

¹Except water-proofing compounds.

Celluloid
Cellulose, acetate flake
Cement, mending (except rubber)
Chloroform
Cleansers (no soap)
Compounds, industrial: boiler, water treating, insulating metal treating
Creosote
Creosote oil
Deodorants (except for human use)
Developer, x-ray film
Dibutyl phthalate
Dinitrotoluene
Disinfectants: household, industrial
Dressing, fabricated leather
Dry cleaning preparations
Dry mix for welding rod coating
Dyestuffs
Ethyl cellulose
Ferro-alloys (except ferro-manganese) produced by electrochemical processes
Ferrosilicon
Fibros, cellulose acetate
Fluorescein dye
Fungicides, agricultural
Gasket paste
Germicides
Gums, manufactured synthetic
Hexamethylene tetramine
Humidity indicators
Hydrocarbon gases
Hydrogenation catalyst
Hydroquinone
Hyperchloride
Insecticides: agricultural, household
Kolloxaline
Lamp black
Magnesium metal, when chemically compounded
Magnesium resinate
Methox

Methylbenzine
Methylbenzol
Methyl chloride
Mononitrotoluene
Muclage
Neoprene
Nitrocellulose, wet (gun cotton)
Oxygen
Paint, desiccant detector
Paris green
Paste, adhesive
Pentaerythrite
Pentaerythritol
Penthrile
Pentolite
Pentritite
Pentrite
Phenol (carbolic acid)
Phenylmethone
Photographic chemicals
Polish: auto, metal, stove
Polystyrene
Potash
Potassium perchlorate
Pyrethrum concentrate extract
Pyrethrum (insect powder)
Repellants: agricultural, household
Resins, synthetic
Rubber, synthetic
Scouring powder (no soap)
Sealing wax
Shoe impregnite
Soda, caustic (sodium hydroxide)
Sodium hyposulfite
Sodium nitrate, synthetic
Sodium thiosulfate
Stains, leather
Strontium oxalate
Synthetic gums
Thermite, incendiary
Thorium nitrate
Tints, household
Titanium tetrachloride
Toluene
Toluol
Washing powder (no soap)
Wax: auto, metal, stove

(b) Specifically excluded from the chemical industry.

Cement, rubber
Compounds: caulking, damp proofing, water proofing; liquid and plastic roof coating
Ferro-manganese
Glue
Paint remover
Plastics, fabricated
Polish: floor, furniture
Rayon and allied products
Salt: table, rock
Soap
Top dressings
Varnish remover
Wax: floor, furniture

Date effective. April 28, 1942.

Wage. Arrived at either upon a time or piece work basis.

(1) 40 cents an hour or \$16.00 per week of 40 hours, for the States of Maryland, Virginia, North Carolina, South Carolina, Tennessee, Arkansas, Mississippi, Alabama, Georgia, Florida, and the District of Columbia; and

(2) 50 cents an hour or \$20.00 per week of 40 hours for the remaining States of the United States.

§ 809.994-44 *Aviation textile products manufacturing industry.* The aviation textile products manufacturing industry is defined for the purposes of this determination as that industry which is engaged in the manufacture of articles (other than apparel) primarily of fabric for use in connection with the aviation industry, including, but without limitation, parachutes of all types, parachute packs, parachute harnesses, safety belts, aerial delivery containers made primarily from fabrics, tow targets, and wind direction indicators of the wind-stock type; *Provided, however* That the manufacture of canvas and duck articles for ground use, such as signaling panels, is not included.

Date effective. December 11, 1942.

Wage. 55 cents an hour or \$22.00 a week of 40 hours, arrived at either on a time or piecework basis, for the States of California, Oregon, and Washington, 47½ cents an hour or \$19.00 a week of 40 hours, arrived at either on a time or piecework basis, for the remaining 45 states and the District of Columbia. Workers who are in fact learners may be employed at the rate of 40 cents an hour or \$16.00 a week of 40 hours during the first two weeks of their employment and at the rate of 45 cents an hour or \$18.00 a week during the third and fourth weeks of their employment.

[Procurement Reg. 11]

PART 811—MISCELLANEOUS PURCHASE INSTRUCTIONS

SUBPART C—LITIGATION AND RELATED MATTERS

In § 811.1120, paragraphs (a) and (b) are amended to read as follows:

§ 811.1120 *Procedure for handling litigation involving cost-plus-a-fixed-fee contractors—(a) General.* It is of the utmost importance that The Judge Advocate General be promptly notified of the institution of all legal actions in which the interests of the United States are involved, including legal actions against cost-plus-a-fixed-fee contractors and subcontractors. This will make it possible to take steps to remove legal actions instituted in state courts to the federal courts and to otherwise protect the interests of the Government. Information furnished to The Judge Advocate General must be full and complete and not fragmentary.

(b) *Procedure.* The following procedure is prescribed with respect to legal actions involving cost-plus-a-fixed-fee contractors and subcontractors:

(1) Such contractors should be advised that immediately upon receipt of process in any legal action filed against them, they must furnish a copy of all papers to the contracting officer or appropriate War Department representative. This will be in addition to any similar requirement of any outstanding insurance policy.

(2) Information and papers should be forwarded, as provided in subparagraphs (3) through (5) below, with respect to each legal action against cost-plus-a-fixed-fee contractors and subcontractors, except

(i) Any legal action based upon an alleged liability that is fully covered by insurance, either under the usual type of

insurance policy or under the War Department Insurance Rating Plan (see § 804.473), if the insurance company agrees to accept full responsibility for the defense of the action and for the payment of any judgment that may be rendered against the defendant, or

(ii) Any legal action upon a claim which is within the provisions of a self-insurance plan approved pursuant to § 804.436 (d), if the self-insurance plan provides for the handling of such action by an attorney compensated on an annual retainer basis.

(3) Immediate report of the legal action will be made direct to The Judge Advocate General, Washington, D. C., by the War Department representative in charge of the project or activity out of which the action arises. Such report will be expedited and, where necessary, will be made by telegraph or teletype with prompt confirmation by mail. Each report will give all pertinent facts concerning the action. In the usual case, these facts will include the following:

(i) Name of parties to the action.
(ii) Its nature.
(iii) Correct designation of the court in which the action is brought.
(iv) When and on whom service was made.

(v) Time when answer must be filed or other action taken by the defense.

(vi) Nature of the principal defense to the suit.

(vii) The relation of the defendant to the United States.

(viii) Amount claimed; to what extent, if any, such amount is covered by insurance.

(4) Copies in triplicate of all suit papers and a statement of available facts will be forwarded immediately to The Judge Advocate General, Washington, D. C. If a board of inquiry is convened to investigate, or acts on the case, copies of all reports of the board's proceedings and findings will be included in the papers transmitted. Any other information in the possession of the chief of the technical service concerned, which may be requested by The Judge Advocate General, will be immediately transmitted to him. Requests for Government representation will not be made to the Department of Justice by War Department field representatives but will be made directly to The Judge Advocate General, who has the duty of maintaining all War Department legal liaison with the Department of Justice and other Government departments. Violations of this procedure will cause confusion and prevent proper coordination in the handling of litigation with the Department of Justice.

(5) An agreement for representation should be signed by the cost-plus-a-fixed-fee contractor or other defendant and three copies thereof should be forwarded to The Judge Advocate General, Washington, D. C. Such agreement should read as follows:

The undersigned hereby requests the Attorney General of the United States to designate counsel to defend on behalf of the undersigned the action entitled _____ V. _____. It is agreed that the assumption by the Attorney General of the defense of said action does not alter or increase the obligations of the United States under United States Contract No. _____.

It is further agreed that such representation will not be construed as a waiver or estoppel of any rights which any interested party may have under said contract.

SUBPART D—PRICE AND RATIONING REGULATIONS

1. Paragraph (k) to § 811.1132 is added as follows:

§ 811.1132 *Purchases.* * * *

(k) *Procedure to recover amounts paid in excess of applicable OPA maximum prices*—(1) *General.* It is possible, in view of the wide variety and large volume of War Department procurement, that on occasion the War Department inadvertently may pay prices in excess of applicable OPA maximum prices. The Emergency Price Control Act of 1942, as amended, gives the War Department, under such circumstances, certain rights of recovery against the contractors concerned. Likewise, in certain cases the War Department may have claims for refunds arising out of contracts entered into pursuant to OPA Procedural Regulation No. 6, prior to the amendment thereof effective 17 May 1943, which then permitted payments in excess of current maximum prices pending OPA decision as to increases in such maximum prices. The succeeding subparagraphs of this paragraph set forth War Department procedure to be followed under any of these circumstances.

(2) *Payments in excess of OPA ceilings without OPA authorization.* Where it has been clearly determined that the War Department has paid a price in excess of an applicable OPA maximum price without OPA authorization, the contracting officer concerned (unless he has been advised that the OPA intends to seek recovery on account of the violation) will take the following action:

(a) Immediately seek a refund of the full amount of the overcharge from the contractor.

(b) If the contractor fails to make such refund, request the appropriate disbursing officer to offset the amount of the overcharge against any funds due the contractor by the War Department under the contract involved or any other appropriate contract of which the contracting officer or the disbursing officer has knowledge.

(c) The contracting officer may acknowledge receipt of a refund. However, in view of certain rights in connection with violations granted to the OPA by the act, the contracting officer, upon receiving a refund, shall not give the contractor concerned any instrument purporting to release the government's claim against the contractor.

In the event the contracting officer has been advised that the OPA intends to seek recovery on account of the violation, the War Department itself will take no action to effect recovery of the overcharge but will furnish the OPA with all pertinent information which the latter may request. If the contracting officer has attempted but has been unable to effect collection of the full amount of the overcharge, he will refer the matter,

together with all pertinent information, to the nearest OPA office, with a request that recovery be sought by the OPA.

(3) *Claims for refunds arising out of contracts.* Where the War Department, pursuant to OPA Procedural Regulation No. 6, prior to the amendment thereof effective 17 May 1943, paid a price in excess of an applicable OPA maximum price under the terms of a contract providing substantially that the contractor should refund to the War Department the excess paid over such applicable maximum price under certain conditions, and the claim of the War Department for a refund under such terms of the contract has matured, the contracting officer concerned will take the following action:

(i) Immediately seek payment from the contractor of the full amount of the refund owing to the War Department under the terms of the contract;

(ii) If the contractor fails to make such payment, request the appropriate disbursing officer to offset the amount of such refund against any funds due the contractor by the War Department under the contract involved or any other appropriate contract of which the contracting officer or the disbursing officer has knowledge.

In the event the contracting officer is unable to effect collection of the full amount of such refund, the claim, together with all pertinent information, will be forwarded through the Purchases Division, Headquarters, Army Service Forces, to the Office of the Fiscal Director, Headquarters, Army Service Forces, pursuant to paragraph 15, AR 35-730.

(4) *Disposition of refunds.* Any refund received by a contracting officer pursuant to subparagraph (2) (i) or (3) (i) of this paragraph will be delivered by him to the nearest disbursing officer through the fiscal officer of the installation concerned for disposition as an expenditure refund in accordance with TM 14-702 "Fiscal Accounting for Field Installations." Similar disposition as expenditure refunds will be made of amounts collected by offset pursuant to subparagraphs (2) (ii) and (3) (ii) of this paragraph.

2. In § 811.1135 (c) subparagraphs 2, 4, and 5 are amended to read as follows:

§ 811.1135 *Rationing regulations.* * * *

(c) *Where certain War Department instructions may be found.* * * *

2. Circular 447, W.D., 1943—Food rationing;

4. Circulars 246, 282, 363, 369, 482, W.D., 1944—Certain petroleum products; and

5. Circular 255, 390, W.D., 1944 and 19, W.D., 1945—Shoes.

SUBPART H—MISCELLANEOUS MATTERS

Paragraph 1 under § 811.1187 is amended to read as follows:

§ 811.1187 *Restrictions on purchases of selected items.* * * *

1. Office furniture and equipment. See section IV, Circular No. 38, War Department, 1945.

[Procurement Reg. 12]

PART 812—RENEGOTIATION AND PRICE ADJUSTMENT

APPENDIX

The appendix to Part 812 is amended to read as follows:

§ 812.1289 *Reference to renegotiation regulations.* Renegotiation regulations adopted by the War Contracts Price Adjustment Board cover, among other things, rulings, interpretations, and applications concerning exemptions from statutory renegotiation. Such renegotiation regulations are sometimes referred to as "RR" in this appendix.

§ 812.1290 *Rulings of War Contracts Price Adjustment Board relating to exclusions or mandatory exemptions from statutory renegotiation*—(a) *Interpretation and application of the mandatory exemption relating to contracts and subcontracts with other Governmental agencies.* RR 343.1 and 343.2 provide as follows:

343.1 *Statutory exemption.* Subsection (i) (1) (A) of the 1943 Act provides that it shall not apply to:

(A) any contract by a Department with any other department, bureau, agency, or governmental corporation of the United States or with any Territory, possession, or State, or any agency thereof or with any foreign government or any agency thereof;

343.2 *Interpretation and application of exemption.* The War Contracts Board has adopted the following interpretation:

(1) Under this provision of the act [subsection (i) (1) (A) of the 1943 Act] no contract between one of the Departments and any other federal, local or foreign government agency is subject to renegotiation. A municipal corporation, whether acting in a proprietary or governmental capacity, is considered to be an agency of a State for the purposes of this exemption.

(2) Contracts between such other agencies or governmental corporations and private contractors, and subcontracts thereunder, are likewise not subject to renegotiation, except in those instances where the agency or governmental corporation is acting as a direct agent for a Department. In these instances, the contract is deemed to be with the Department for which the agency or governmental corporation is acting as direct agent, and not with the agency or governmental corporation, and accordingly, if otherwise subject to renegotiation, is not exempted.

(3) Certain of the agencies and governmental corporations referred to sometimes place orders called "pool" orders. Under this type of order the agency or corporation orders large quantities of a particular item from a manufacturer. Before delivery under this order the manufacturer may call all or a portion of the items to a Department or to a Departmental contractor or subcontractor and the order of the governmental corporation or agency is reduced to the extent of these purchases by others. In such cases the sales by the manufacturer to a Department or to a Departmental contractor or subcontractor are not exempt from renegotiation.

(b) *Interpretation and application of the mandatory exemption relating to contracts for certain raw materials and agricultural commodities.* RR 344.1 and 344.2 provide as follows:

344.1 *Raw materials.* (1) *Statutory exemption.* Subsection (i) (1) (B) of the act provides that it shall not apply to—

(B) any contract or subcontract for the product of a mine, oil or gas well, or other mineral or natural deposit, or timber, which

has not been processed, refined, or treated beyond the first form or state suitable for industrial use;

(2) *Interpretation and application of exemption.* In determining whether or not a particular product is an "exempted product" under the exemption in subsection (1) (1) (B) of the act, the following principles shall govern—

(a) *Exempted products.* The phrase "other mineral or natural deposit" shall be interpreted to include only mineral or natural deposits of a wasting or depletable character similar to products "of a mine, oil or gas well." Accordingly, water, sea water and air, and products derived therefrom, are not considered to be other mineral or natural deposits within the meaning of the act, and contracts or subcontracts therefor, or for products derived therefrom, shall be subject to renegotiation.

(b) *State at which exemption terminates.* In general a product will be considered to be an exempted product until it has arrived at its dispersal point, i.e., the point at which a substantial proportion of the product is used by the ultimate consumer, or by industries other than the industry of origin. The industry of origin includes not only the primary industry of extraction or severance, but also any processing, refining or treatment directly supplementing its extraction or severance or to produce one or more of the chemical elements or compounds present in it in the state in which it may be found in abundance in nature; but excludes other processing, refining or treatment to produce various end products for the ultimate consumer, or a substantial variety of products which vary materially in size, shape or content from the original product.

(c) *Combination of several materials.* Where substantial quantities of two or more materials or ingredients are combined to produce a product for industrial use, the product resulting from such combination is considered to be non-exempt, unless the other material or materials are used as a catalyst, carrying agent or in some other subordinate capacity in connection with processing, refining or treatment of the principal product which is in the course of preparation for its first industrial use.

(d) *Different processes.* Where a product is made in substantial quantities by two or more different processes, one of which would result in the exemption of the product under the above tests and the other would result in its inclusion, such a product will be considered to be renegotiable only where made by a process which would result in its inclusion.

(e) *By-products.* Where a process for making a product or material subject to renegotiation under the above tests also produces by-products, such by-products shall be treated as subject to renegotiation since any benefits resulting from use or sale of such by-products operate in substance to reduce the cost of the principal product. The principle of the preceding sentence is inapplicable to by-products which would otherwise be exempt under this paragraph (2). In the case of by-products resulting from processes principally designed to produce an "exempted product" under the above tests, such by-products shall be treated as "exempted products" if they are not further processed, refined or treated. If further processing, refining or treatment of such by-products takes place, the status of the ultimate product resulting will be determined in accordance with the general principles set forth above.

(3) A list of products which, subject to the foregoing interpretation are considered exempt, is set forth [below] in [RR] paragraph 841.

RR 841 provides as follows:

841 *Raw material exemption.* Pursuant to subsection (1) (2) of the 1943 Act the

War Contracts Board has issued the following regulation concerning the exemption of contracts and subcontracts for certain products of the kind described in subsection (1) (1) (B) of the 1943 Act.

(1) The term "exempted products" as used in this regulation, shall mean any of the following products:

Aggregates including such items as washed or screened sand, gravel or crushed stone.
 Alumina; aluminum sulfate; aluminum ingots and pigs.
 Asphalt, natural.
 Antimony ore, crude; antimony ore, concentrated; antimony metal; antimony oxide; antimony sulfide.
 Arsenic, crude; arsenic powder; arsenious oxide (white arsenic).
 Asbestos rock; asbestos fibre.
 Bauxite, crude; calcined or dried bauxite; bauxite abrasive grains.
 Bentonite, dried, crushed, granulated and pulverized.
 Beryl ore and concentrates; beryllium oxide; beryllium metal; beryllium master alloys.
 Bismuth metal.
 Borax.
 Cadmium flue dust; cadmium oxide; cadmium balls and slabs.
 China clay; kaolin; fire clay; brick and tile made from clays other than kaolin, china and fire clay.
 Chlorine and hydrogen produced directly by electrolysis of salt brine.
 Chromium ore and ferrochrome; chromite not processed beyond the form or state suitable for use as a refractory; bichromates.
 Coal, prepared; run-of-mine coal.
 Cobalt oxide; cobalt anodes, shot and rounds.
 Columbium ore and concentrates; columbium oxide; ferrocolumbium.
 Copper ore, crude; copper ore, concentrated; copper matte; blister copper; copper billets, cathodes, cakes, ingots, ingot bars, powder, slabs and wirebars.
 Corundum ore and concentrates; corundum grain.
 Cryolite ore and concentrates.
 Diaspore; diaspore brick.
 Diatomaceous silica, lump, block, brick and powder.
 Dolomite, crushed dolomite.
 Feldspar, crude and ground.
 Ferrosilicon.
 Fluorspar ore; fluorspar fluxing gravel; lump ceramic ground fluorspar; acid grades of fluorspar.
 Fuller's earth.
 Gas, natural, not processed or treated further than the processing or treating customarily occurring at or near the well.
 Graphite ore and concentrates; flake graphite; graphite fines, lump and chip; graphite powder.
 Gypsum, crude; calcined gypsum.
 Indium metal.
 Industrial diamonds.
 Iridium metal, including ingot and powder.
 Iron ore, crude; pig iron.
 Kyanite ore and concentrates; kyanite brick.
 Lead ore; refined lead bars, ingots and pigs; antimonial lead bars, ingots and pigs.
 Limestone; crushed limestone.
 Magnesite; dead burned magnesite.
 Magnesium-bearing minerals, including brucite; magnesium oxide; magnesium chloride; metallic magnesium, pigs and ingots.
 Mercury ore; mercury metal.
 Manganese ore; ferromanganese, including spiegeleisen; silicomanganese.
 Mica, crude, hand-cobbed; block mica; sheet mica, including splittings; wet or dry ground mica.
 Molybdenum ore and concentrates; molybdenum oxide; calcium molybdate; ferromolybdenum.
 Monel ore; monel matte; monel ingots, pigs, and shot, produced from monel matte,

Natural gasoline; casinghead gasoline; residue gas.

Nickel ore and concentrates; nickel matte; nickel oxide; nickel ingots, cathodes and shot.

Oil, crude, not processed or treated further than the processing or treating customarily occurring at or near the well.

Osmium-metal, including ingot and powder.
 Palladium metal, including ingot and powder.
 Phosphate rock; elemental phosphorus; ferrophosphorus; phosphorus pentoxide and phosphoric acid derived directly by treatment of phosphate rock; superphosphate.
 Platinum ore and concentrates; platinum metal, including ingot and powder.

Pumice, lump.

Quartz crystal, raw.

Radium bromide; radium sulfate; radium gas.

Rhodium metal, including ingot and powder.
 Ruthenium metal, including ingot and powder.

Salt, rock; evaporated salt; soda ash, ammonia and electrolytic caustic soda and bicarbonate of soda when derived directly by treatment of brine.

Sea shells; oyster shells; clam and reef shells.
 Selenium metal.

Silver, refined, including bars, shot, powder and grains.

Sodium aluminate.

Stone, rough dimension.

Sulfur, crude.

Sulfuric acid; oleum (other than sulfuric acid or oleum produced from crude sulfur or any other product having an industrial use).

Standing timber, logs, logs sawed into length, and logs with or without bark.

Talc, crude, ground and sawed.

Tantalum ore and concentrates; tantalum double fluoride.

Tellurium metal.

Tin ore and concentrates; refined pig tin.

Titanium-bearing ores and concentrates, including ilmenite and rutile; titanium oxide; ferrotitanium.

Tungsten ore and concentrates; sodium tungstate; ferrotungsten; tungsten metal, including powder; tungstic oxide; tungstic acid.

Uranium ores and concentrates; uranium oxide.

Vanadium ores and concentrates; sodium vanadate; vanadium pentoxide; ferrovandium.

Whiting; chalk lump.

Zeolites derived from glauconite.

Zinc ores and concentrates; zinc anodes, bars, oxide, powder and slabs.

Zirconium ores and concentrates.

(2) Subject to the provisions of paragraph 3 hereof, it is determined that each of the exempted products is "the product of a mine, oil or gas well, or other mineral or natural deposit, or timber, which has not been processed, refined, or treated beyond the first form or state suitable for industrial use" within subsection (1) (1) (B) of the Renegotiation Act. The provisions of such Act shall not apply to contracts and subcontracts for any of the exempted products.

(3) This determination is made under the principles set forth in paragraph 344.1 of the Renegotiation Regulations, including subdivision (2) (d) thereof. The products listed under paragraph 1 of this regulation are exempt only when they represent products of a mine, oil or gas well, or other mineral or natural deposit, which have not been processed, refined or treated beyond the first form or state suitable for industrial use and are not exempt if manufactured from raw materials which do not fall within the above description or which have at some prior stage been processed, refined or treated beyond such first form or state suitable for industrial use. For example, magnesium products derived from sea water, products

manufactured from the atmosphere, secondary aluminum pigs and ingots, and other similar products are not considered exempted products.

(4) This determination applies to fiscal years ending after June 30, 1943.

(5) This regulation may be amended from time to time, revising, amending or supplementing the list of exempted products contained in paragraph 1 hereof.

RR 344.2 provides as follows:

344.2 Agricultural commodities—(1) Statutory exemption. Subsection (1) (1) (C) of the 1943 Act provides that it shall not apply to—

(C) Any contract or subcontract for an agricultural commodity in its raw or natural state, or if the commodity is not customarily sold or has not an established market in its raw or natural state, in the first form or state, beyond the raw or natural state, in which it is customarily sold or in which it has an established market. The term "agricultural commodity" as used herein shall include but shall not be limited to—

(i) Commodities resulting from the cultivation of the soil such as grains of all kinds, fruits, nuts, vegetables, hay, straw, cotton, tobacco, sugar cane, and sugar beets;

(ii) Natural resins, saps and gums of trees;

(iii) Animals such as cattle, hogs, poultry, and sheep, fish and other marine life, and the produce of live animals, such as wool, eggs, milk and cream;

(2) *Interpretation and application of exemption—(a) Applicability.* This provision of the 1943 Act is retroactive as if it were a part of the Renegotiation Act on the date of its enactment, April 28, 1942.

(b) *Interpretation.* The purpose of this provision is to exempt from renegotiation farmers, fruit growers, livestock raisers, fishermen and other basic producers of agricultural commodities and those who trade in such products or handle or transport them without processing them; it is not intended to exempt canners, processors, manufacturers and others who acquire products of this type from the basic producer and process them to a higher form or state. In order to qualify for exemption the product contracted for must be an agricultural commodity in its raw or natural state, or if such a commodity is not customarily sold or does not have an established market in its raw or natural state in the first form or state beyond the raw or natural state in which it is customarily sold or in which it has an established market.

(c) *Application.* A commodity will be deemed to be an agricultural commodity in its raw or natural state only so long as it has not undergone some process of treatment or fabrication. In the case of fruits, vegetables, and other like products this state does not ordinarily extend beyond the state in which such products are harvested. In the case of livestock, it terminates at the time the animal is slaughtered. Where an agricultural commodity is not customarily sold or does not have an established market in its raw or natural state as above defined and is no longer in such state the exempt status of such commodity will terminate with the state in which the commodity is first customarily sold or has an established market, and, with the exception of the produce of live animals which are specifically exempted, the exemption will not apply to any derivative products which are derived from such commodity in the state in which it is first sold, whether as a result of division, separation or further treatment or processing. For the purposes of determining whether an agricultural commodity is customarily sold or has an established market, regard will be given to the entire field in which such commodity is produced or marketed rather than to sectional or local practices; and varieties, types or classes of the commodity will be disregarded.

Profits or losses from sales of agricultural commodities in their exempt form or state, including sales of futures in such commodities, are excluded from consideration in renegotiation. The War Contracts Price Adjustment Board has determined the form or state at which the exemption terminates in the case of each of the agricultural commodities set forth [below] in [RR] paragraph 844 and will continue to determine and publish from time to time additions to this list.

RR 844 provides as follows:

844. List of exempted agricultural commodities. Determination of the War Contracts Price Adjustment Board of the exemption from renegotiation of contracts and subcontracts for agricultural commodities under section 403 (1) (1) (C) of the Renegotiation Act of 1943.

1. Pursuant to the authority conferred upon the War Contracts Price Adjustment Board by Section 403 (1) (2) of the Renegotiation Act of 1943, the Board hereby determines that under subsection (1) (1) (C) of such section, relating to the exemption of contracts or subcontracts for agricultural commodities, the form or state indicated in the following list, is the last form or state at which the exemption applies:

Agricultural commodity and last form or state at which exemption is to apply

Beans and peas, dry: Threshed.
Beeswax: In the comb, or in bulk (not packed).

Berries, edible: Fresh.
Cinchona bark: As bark (unprocessed).

Coffee: Beans (green).

Corn: As grain (shelled).

Cotton: Ginned (in the bale).

Cottonseed: Unprocessed (as they come from the gin).

Cream, fluid: As sold from farms (not pasteurized).

Drugs (botanical): Crude (unground, unprocessed, unstandardized, unpurified) as customarily sold by the basic producer.

Eggs: In the shell (raw).

Fiber flax straw: Deseeded (baled or unbaled).

Flaxseed (linseed): As seed (unprocessed).

Fruits, edible: Fresh.

Gum opium: As gum in its natural state.

Hay: Baled or unbaled.

Hemp fiber: In bales.

Honey: Crude or "country run."

Jute and sisal fiber: In bales.

Livestock: On the hoof.

Milk, raw fluid: As sold from farms (not pasteurized).

Peanuts: In the shell (raw).

Pine gum: Not distilled or purified.

Poultry: Alive.

Rice: Rough, unpolished (as it comes from the thrasher).

Sugar beets: As beets.

Sugar cane: As cane.

Tobacco: Not processed beyond the form or state at which farmers ordinarily sell it.

Tree nuts, edible: In the shell (raw).

Vegetables: Fresh.

Vegetable seeds: Not processed beyond the form or state at which they may be used as seeds.

Wheat, rye, oats and barley: As threshed grain.

Wool: In the grease (as clipped from live animals).

2. This determination is made under the principles set forth in paragraph 344.2 of the Renegotiation Regulations including subdivision (2) (b) thereof.

3. This determination applies to all receipts or accruals under any contract or subcontract for the commodities listed in paragraph 1 of this Regulation regardless of the date when such contract or subcontract was made.

4. This Regulation may be amended from time to time, revising, amending or supplementing the list of exempted commodities contained in paragraph 1 hereof.

RR 344.5 provides as follows:

344.5 Packaging materials and containers. If there are delivered to a Department end products, contracts for which are exempted from renegotiation under subsections (1) (1) (B) or (C) of the 1943 Act relating to certain raw materials or agricultural commodities, the exemption of the end products extends to and includes the packages or containers in which the end products are delivered to the Department.

(c) *Interpretation and application of the mandatory exemption relating to construction contracts.* This paragraph deals with the mandatory exemption relating to construction contracts. For the discretionary exemption relating to construction contracts, see paragraph (d) of § 812.1291.

RR 346.1 and 346.2 provide as follows:

346.1 Statutory exemption. Subsection (1) (1) (E) of the 1943 Act provides that it shall not apply to—

(E) Any contract with a Department awarded as a result of competitive bidding, for the construction of any building, structure, improvement, or facility.

346.2 Interpretation and application of exemption.

(1) This section of the 1943 Act is applicable only to amounts received or accrued for fiscal years ending after June 30, 1943 (regardless of the date when the contract was made) under any contract which meets all of the following conditions:

(a) The contract is a contract with a Department (i. e., is a prime contract). The exemption has no direct applicability to subcontracts—but see [RR] paragraphs 347 [reprinted in § 812.1230 (d)] and 356.2 [reprinted in § 812.1291 (e)] for the principles governing exemption of subcontracts under prime contracts as to which this exemption is applicable.

(b) The contract is for the construction of a building, structure, improvement or other similar facility. A contract will be deemed to be for the construction of a building, structure, improvement or similar facility if the subject matter of the contract is the construction or installation of the whole or any integral part of a building, structure, improvement or similar facility. The exemption has, however, no applicability to contracts for the furnishing of materials or supplies, as such, even if such materials or supplies are to be used in the construction of a building, structure, improvement or similar facility; nor has the exemption any applicability to contracts for the furnishing of machinery or equipment which has or may have a productive function in connection with processing.

(c) The contract was awarded as a result of competitive bidding. A contract will be deemed to have been awarded as a result of competitive bidding only if (i) there has been published advertising or such other solicitation for bids as would open the bidding to all qualified bidders who could have been reasonably expected to bid on a job of the size, character and location concerned, (ii) bids are received from two or more independent, responsible and qualified bidders in actual competition with each other, (iii) the contract is let to the lowest qualified bidder, and (iv) the contract price was not in excess of the low bid received.

(2) In distinguishing a contract for the construction of a building, structure, improvement or similar facility from a contract for the furnishing of machinery or equipment as described in subdivision (1) (b) of this paragraph, regard is to be had to the subject matter of the contract. To the extent that the subject matter of the contract involves the furnishing or the furnishing and installation of machinery or equipment which has or may have use in

processing, within the principles stated in [RR] paragraph 333.3, the contract will not be deemed to be a contract for the construction of a building, structure, improvement or similar facility, but will be regarded as a contract for the furnishing of machinery or equipment, in accordance with the principles set forth in paragraphs 335.2 (2) and 335.2 (5) of these [Renegotiation] Regulations. In a case where the construction or installation of the whole or any integral part of a building, structure, improvement or similar facility and the furnishing of machinery or equipment are embraced within a single contract, the undertaking for the construction or installation of the whole or any integral part of the building, structure, improvement or similar facility may be severed from the undertaking to furnish the machinery or equipment and an appropriate finding made as to that portion of the entire contract which may properly be deemed exempt.

(3) If a construction contract is exempt from renegotiation under the provisions of this paragraph 343.2, all modifying instruments thereto providing for additional or different construction of buildings, structures, improvements or facilities to be performed at or adjacent to the site of the original project are considered a part of the original construction contract and therefore are exempt from renegotiation: *Provided, however*, That the aggregate contract prices of all such modifying instruments do not exceed one-third of the contract price of the original construction contract.

(4) Determination whether this exemption is applicable to any particular prime contract shall be made, upon the basis of the principles referred to in the preceding subdivisions of this paragraph, by the renegotiation agency of the Department or Service conducting the renegotiation in which such contract is involved, except as provided in 347.2 (2). The renegotiation agency of each Department or Service shall maintain a central file with respect to determinations made by it as to the exempt or non-exempt status of prime contracts.

(d) *Interpretation and application of the mandatory exemption relating to subcontracts under exempt contracts or subcontracts.* RR 347.1 and 347.2 provide as follows:

347.1 *Statutory exemption.* Subsection (1) (1) (F) of the 1943 Act provides that it shall not apply to

(F) Any subcontract, directly or indirectly under a contract or subcontract to which this section does not apply by reason of this paragraph.

347.2 *Interpretation and application of exemption.* (1) It should be noted that the exemption applies only where the subcontract is under a contract or subcontract exempted by paragraph (1) of subsection (1) of the 1943 Act. Thus, subcontracts under prime contracts or subcontracts exempted under the discretionary exemptions authorized by subsection (1) (4) of the 1943 Act, the exemption measured by negotiable volume under subsection (c) (6), or any other exemption or exclusion contained in the 1943 Act, are not exempted by this provision.

(3) Subcontracts for the furnishing of packaging materials and containers in which there are delivered materials or products which are exempt from renegotiation under the provisions of subsections (1) (1) (B) or (C) of the 1943 Act relating to certain raw materials or agricultural commodities or which are otherwise exempt under paragraph (1) (1) of the 1943 Act (see [RR] paragraphs 333.3 (1), 333.4 (1), 344.5 and 347.2 (1)) constitute subcontracts under exempt prime contracts and are exempt from renegotiation under the provisions of subsection (1) (1) (F) of the 1943 Act.

(e) *Interpretation of office supplies.* RR 333.4 (3) provides in part as follows:

Office supplies are interpreted to include paper, ink, typewriter ribbons, binders, covers, blotters, paper clips, staples and other items of consumable character, as well as related items of relatively short life and minor cost, such as pens, pen holders, pencils, blotter pads and calendars; they do not include office furniture, machinery and equipment, such as desks, chairs, lamps, rugs, waste baskets, filing cases, typewriters and calculating, recording, reproducing and dictating machines.

§ 812.1291 *Rulings of War Contracts Price Adjustment Board relating to discretionary exemptions from statutory renegotiation—(a) Discretionary exemption relating to contracts and subcontracts to be performed outside of the United States.* RR 351.1 and 351.2 provide as follows:

351.1 *Statutory authority.* Subsection (1) (4) of the 1943 Act authorizes the War Contracts Price Adjustment Board, in its discretion, to exempt from some or all of the provisions of the act

(A) Any contract or subcontract to be performed outside of the territorial limits of the continental United States or in Alaska.

351.2 *Exemption.* (1) Each contract or subcontract to be performed outside the territorial limits of the continental United States, outside the territories of Alaska and Hawaii, outside the Panama Canal Zone, and outside the other territories and island possessions of the United States shall be exempt from the provisions of the Renegotiation Act of 1943 unless it shall be determined by the War Contracts Board or by any authority to whom power to exempt individual contracts under subsection (1) (4) (A) of the 1943 Act has been or may be delegated or redelegated;

(a) That administrative difficulties do not make impracticable the renegotiation of such contract or subcontract,

(b) That the procurement program of the United States in foreign countries will not be adversely affected by such renegotiation, and

(c) That such renegotiation will not otherwise be contrary to the interests of the United States.

(2) In determining whether the procurement program of the United States in foreign countries or the interests of the United States generally will be adversely affected by such renegotiation, it is considered desirable that representatives of the Department of State of the United States be consulted, if practicable; such consultation shall not, however, be essential to the valid renegotiation of any contractor or subcontractor.

(3) Such determination may be made at any time whether before or after the execution of the contract or subcontract and whether or not it contains a renegotiation clause.

(b) *Discretionary exemption relating to contracts and subcontracts for profits determinable when price established, real estate, public utilities, perishable goods.* (1) RR 352.1 and 352.2 provide as follows:

352.1 *Statutory authority.* Subsection (1) (4) of the 1943 Act authorizes the War Contracts Price Adjustment Board, in its discretion, to exempt from some or all of the provisions of the Act

(B) any contracts or subcontracts under which, in the opinion of the Board, the profits can be determined with reasonable certainty when the contract price is established, such as certain classes of agreements for personal services, for the purchase of real property, perishable goods, or commodities the min-

imum price for the sale of which has been fixed by a public regulatory body, of leases and license agreements, and of agreements where the period of performance under such contract or subcontract will not be in excess of thirty days;

352.2 *Exemptions.* (1) In the opinion of the War Contracts Price Adjustment Board, the profits from the following contracts or portions thereof can be determined with reasonable certainty when the contract price is established, and such contracts or portions thereof are accordingly exempted from the provisions of the Renegotiation Act to the extent herein provided:

(a) Contracts and subcontracts for the sale or lease of any interest in real estate (see [RR] paragraph 335.1), or

(b) Contracts and subcontracts for the sale or exchange of tangible property used in the trade or business of the vendor, with respect to which depreciation is allowable under section 23 (1), or amortization is allowable under section 124, of the Internal Revenue Code (not including stock in trade of the vendor or other property which would properly be included in the inventory of the vendor if on hand at the close of his fiscal year, or property held by the vendor primarily for sale in his trade or business), or

(c) Contracts for the sale of vessels and their equipment, other than contracts for the construction of vessels,

(d) Such portion of contracts for the lease of vessels and their equipment, which provides (as in bareboat charters), for a rental for the bare use of the vessel and its equipment (herein called the "use rate"), or which provides (as in time charters) for a use rate, as distinguished from compensation for the services to be rendered by the contractor under the time charter (herein called the "service rate"), provided that where the time charter contains no segregation of the contract price between the use rate and the service rate, the apportionment of the contract price between the use rate and the service rate may be made by the Department conducting the renegotiation. In connection with such apportionment consideration may be given to the Report of the Advisory Board on Just Compensation, established by the President on October 15, 1943, by Executive Order 9387, which report dated December 7, 1943, established rules of general applicability for the guidance of the War Shipping Administration in determining just compensation to be paid for all vessels requisitioned, purchased, chartered or insured by the said Administration and General Order 37 of the War Shipping Administration (8 F.R. 3806), and any supplements and amendments thereto, to the extent the same may be applicable to such vessels and their equipment. Nothing contained in this subparagraph (d) shall be deemed to exempt from renegotiation contracts commonly known as "space charters" or the service rate in time charters, regardless of whether the vessel involved was requisitioned by the Government or any agency thereof.

(2) The words "when the contract price is established" in subsection (1) (4) (B) of the Renegotiation Act and in the preceding subdivision of this paragraph are a qualification upon the scope of the exemption, and contemplate that the contract or subcontract price shall be established at the time the contract or subcontract is entered into. Accordingly, this exemption extends only to contracts and subcontracts under which the price is a fixed or determinable amount at the time the contract or subcontract is entered into, and does not apply to any contract or subcontract under which the price, at the time the contract or subcontract is entered into, is contingent upon a subsequent event or is thereafter to be determined by reference to a variable element (as, for example, the lessee's sales or profits).

(3) For an exemption relating to certain contracts and subcontracts involving electric power, gas, transportation and communica-

tions and subcontracts thereunder, see [RR] paragraph 842 [reprinted in subparagraph (2) below]. For an exemption relating to perishable foods, see [RR] paragraph 843 [reprinted in subparagraph (3) below].

(2) RR 842 provides as follows:

842 Public utility exemptions.

842.1 Public utilities; electric power. (1) Pursuant to subsection (1) (4) of the Renegotiation Act of 1943 (including subsection (1) (4) (B) and (1) (4) (F)) the following classes and types of contracts and subcontracts are exempt to the extent provided in this paragraph from all of the provisions of the Renegotiation Act of 1943:

(a) Any contract or subcontract with a public utility for the delivery of electric power of less than 1,000 kilowatts of contractual demand, except that if the actual demand was 1,000 kilowatts or more at any time during any particular fiscal year, amounts received or accrued under such contract or subcontract for such fiscal year shall not be exempt from renegotiation by reason of this subparagraph (a).

(b) Any subcontract with a public utility for the delivery of electric power without regard to the contractual or actual demand, except that

(1) If such subcontract for electric power is with a contractor having a contract with a Department providing for the reimbursement by a Department of costs of the contractor incurred under such subcontract for electric power, or

(2) If a Department has contracted to pay or guarantee the payment of amounts payable under such subcontracts for electric power,

then in either such case such subcontract for electric power shall not be exempt from renegotiation by reason of this subparagraph (b).

(2) Amounts received or accrued under any contract or subcontract with a public utility with respect to the construction or installation of facilities for the generation, transmission or distribution of electric power shall not be exempt from renegotiation by reason of this paragraph 842.1 even though such contract or subcontract also calls for the delivery of electric power.

842.2 Public utilities; gas. (1) Pursuant to subsection (1) (4) of the Renegotiation Act of 1943 (including subsection (1) (4) (B) and (1) (4) (F)) the following classes and types of contracts and subcontracts are exempt to the extent provided in this paragraph from all of the provisions of the Renegotiation Act of 1943:

(a) Any contract or subcontract with a public utility for the delivery of gas, except that if the amounts received or accrued under any such contract or subcontract during any particular fiscal year were \$50,000 or more, amounts received or accrued under such contract or subcontract for such fiscal year shall not be exempt from renegotiation by reason of this subparagraph (a). (If such fiscal year is a fractional part of twelve months, the \$50,000 amount shall be reduced to the same fractional part thereof for the purposes of this subparagraph (a).)

(b) Any subcontract with a public utility for the delivery of gas without regard to the amounts received or accrued thereunder during any fiscal year, except that

(1) If such subcontract for gas is with a contractor having a contract with a Department providing for the reimbursement by a Department of costs of the contractor incurred under such subcontract for gas, or

(2) If a Department has contracted to pay or guarantee the payment of amounts payable under such subcontract for gas,

then in either such case such subcontract for gas shall not be exempt from renegotiation by reason of this subparagraph (b).

(2) Amounts received or accrued under any contract or subcontract with a public utility with respect to the construction or installation of facilities for the generation, transmission or distribution of gas shall not be exempt from renegotiation by reason of this paragraph 842.2 even though such contract or subcontract also calls for the delivery of gas.

842.3 Public utilities; transportation. Pursuant to subsection (1) (4) of the Renegotiation Act of 1943 (including subsection (1) (4) (B) and (1) (4) (F)) the following classes and types of contracts and subcontracts are exempt from all of the provisions of the Renegotiation Act of 1943:

(1) Contracts and subcontracts with common carriers to furnish transportation by railroad, motor vehicle, pipe line or air, when made at published rates or charges, fixed, approved or subject to regulation as to the reasonableness thereof by a public regulatory body, or when made at rates or charges which the Department conducting the renegotiation in its discretion shall determine to be no higher than such published rates or charges for transportation of a comparable character.

(2) Contracts and subcontracts with common carriers to furnish inland or coastal transportation by water, when made at published rates or charges, fixed, approved or subject to regulation as to the reasonableness thereof by the Interstate Commerce Commission, or when made at rates or charges which the Department conducting the renegotiation in its discretion shall determine to be no higher than such published rates or charges for transportation of a comparable character.

(3) Contracts and subcontracts with freight forwarders when made at published rates or charges, fixed, approved or subject to regulation as to the reasonableness thereof by the Interstate Commerce Commission.

842.4 Public utilities; communications. Pursuant to subsection (1) (4) of the Renegotiation Act of 1943 (including subsection (1) (4) (B) and (1) (4) (F)) the following classes and types of contracts and subcontracts are exempt from all of the provisions of the Renegotiation Act of 1943:

(1) Contracts and subcontracts with telephone, telegraph, cable and radio companies to furnish the service of transmitting messages, when made at published rates or charges, fixed, approved or subject to regulation as to the reasonableness thereof by a public regulatory body, or when made at rates or charges which the Department conducting the renegotiation in its discretion shall determine to be no higher than such published rates or charges for service of a comparable character.

842.5 Public utilities. Furnishing of water or removal of sewage. (1) Pursuant to subsection (1) (4) of the Renegotiation Act of 1943 (including subsection (1) (4) (B) and (1) (4) (F)) the following classes and types of contracts and subcontracts are exempt to the extent provided in this paragraph from all of the provisions of the Renegotiation Act of 1943:

(a) Any contract or subcontract with a public utility for the furnishing of water or the removal of sewage, except that if the amounts received or accrued under any such contract or subcontract during any particular fiscal year were \$10,000 or more, amounts received or accrued under such contract or subcontract for such fiscal year shall not be exempt from renegotiation by reason of this subparagraph (a). (If such fiscal year is a fractional part of twelve months, the \$10,000 amount shall be reduced to the same fractional part thereof for the purposes of this subparagraph (a).)

(b) Any subcontract with a public utility for the furnishing of water or the removal of sewage without regard to the amounts received or accrued thereunder during any fiscal year, except that

(1) If such subcontract for water or the removal of sewage is with a contractor having

a contract with a Department providing for the reimbursement by a Department of costs of the contractor incurred under such subcontract for water or the removal of sewage, or

(2) If a Department has contracted to pay or guarantee the payment of amounts payable under such subcontract for water or the removal of sewage,

then in either such case such subcontract for water or the removal of sewage shall not be exempt from renegotiation by reason of this subparagraph (b).

842.6 Subcontracts. Pursuant to subsection (1) (4) of the Renegotiation Act of 1943 (including subsection (1) (4) (B) and (1) (4) (F)) the following classes and types of contracts and subcontracts are exempt from all of the provisions of the Renegotiation Act of 1943:

(1) Subcontracts under any contracts or subcontracts exempted pursuant to paragraphs 842.1 through 842.5 inclusive.

842.7 Scope of exemptions. All of the exemptions made under paragraphs 842.1 through 842.6, inclusive, apply to contracts and subcontracts of the specified classes and types, whether heretofore or hereafter made or performed, and whether or not they contain renegotiation provisions.

(3) RR 843 provides as follows:

843. List of exempted foods. Determination of the War Contracts Price Adjustment Board of the exemption from renegotiation of contracts and subcontracts for perishable foods under Section 403 (1) (4) (B) of the Renegotiation Act of 1943.

Pursuant to the authority conferred upon the War Contracts Price Adjustment Board by Section 403 (1) (4) (B) of the Renegotiation Act of 1943, concerning the exemption of contracts and subcontracts for certain perishable goods from renegotiation under the Renegotiation Act of 1943, the War Contracts Price Adjustment Board hereby determines that the foods set forth in the list attached hereto and designated as Exhibit 1 are perishable; and that, in the opinion of the Board, the profits under contracts and subcontracts for the purchase of such foods can be determined with reasonable certainty when the contract price is established; and that contracts and subcontracts, heretofore or hereafter made, for the purchase of such foods are hereby declared to be exempt from all of the provisions of the Renegotiation Act of 1943.

EXHIBIT 1

Fresh fruits: Apples, apricots, bananas, berries (blue and black), cantaloupes, cherries, cranberries, grapes, grapefruit, honeydew melons, lemons, limes, oranges, pears, peaches, plums, strawberries, tangerines, watermelons, and other miscellaneous fresh fruits.

Fresh vegetables: Asparagus, beans, lima, beans, string, beets, broccoli, cauliflower, corn, cucumbers, egg plant, endive (chicory), greens (collards, etc.), kale, lettuce, onions, green, onions, dry, parsley, parsnips, peas, peppers, green, potatoes, Irish, potatoes, sweet, radishes, spinach, squash, tomatoes, turnips and rutabagas, mushrooms, rhubarb, and other miscellaneous fresh vegetables.

Dairy products: Butter (except canned), cheese (except processed canned), ice cream; ice cream mix in unsealed containers, fresh fluid milk and fresh fluid cream.

Poultry: Chicken (except canned), turkey (except canned) and other poultry (except canned).

Meats: Beef (except canned and dehydrated), pork (except canned and dehydrated), lamb and mutton (except canned and dehydrated), veal (except canned and dehydrated), smoked or processed meats (except canned and dehydrated), other meats (except canned and dehydrated), lard and lard substitutes and offals (except canned and dehydrated).

Fish and sea foods: Fresh or frozen and salted or smoked (except canned).
 Frozen vegetables.
 Frozen fruits.
 Bread and other bakery products (except biscuits, crackers, cracker meal, breakfast cereals, hard bread and zwieback).
 Potato chips.
 Compressed yeast.
 Shell eggs.
 Margarine.

Any other perishable food of a similar nature which may be determined from time to time by any of the Departments to be of the same general character as the items specifically set forth on the above list: *Provided, however, That any items so added shall be reported to the Secretary of the War Contracts Price Adjustment Board.*

(d) *Discretionary exemption relating to contracts and subcontracts when effective competition is likely to exist; construction contracts.* This paragraph deals with the discretionary exemption. For the mandatory exemption relating to construction contracts, see § 812.1290 (c)

RR 355 provides as follows:

355 *Contracts and subcontracts when effective competition is likely to exist.*

355.1 *Statutory authority.* Subsection (1) (4) of the 1943 Act authorizes the War Contracts Price Adjustment Board, in its discretion, to exempt from some or all of the provisions of the act.

(E) any contract or subcontract if, in the opinion of the Board, competitive conditions affecting the making of such contract or subcontract are such as are likely to result in effective competition with respect to the contract or subcontract price.

355.2 *General interpretation of exemption.* The War Contracts Board will make exemptions under this provision only as to classes or types of contracts on the basis of the subject matter with which the contract or subcontract is concerned. Exemptions by the Board will be based upon broad national conditions and considerations and will be limited to those fields where, in the opinion of the Board, not only do competitive conditions exist, but the competition is such that it may be presumed to be effective in the sense of producing fair and reasonable prices for the Government and in generally eliminating excessive profits.

355.3 *Application of exemption to construction contracts and subcontracts entered into subsequent to June 30, 1943 and before January 1, 1944.* (1) The War Contracts Board has found that competitive conditions affecting the making of construction contracts and subcontracts entered into subsequent to June 30, 1943, were such as to result in effective competition with respect to the contract or subcontract price where all of the following conditions exist,

(a) The contract or subcontract is for the construction of a building, structure, improvement or similar facility. A contract or subcontract will be deemed to be for the construction of a building, structure, improvement or similar facility if the subject matter thereof is the construction or installation of the whole or any integral part of a building, structure, improvement or similar facility. The exemption has, however, no applicability to contracts or subcontracts for the furnishing of materials or supplies, as such, even if such materials or supplies are to be used in the construction of a building, structure, improvement or similar facility; nor has the exemption any applicability to contracts or subcontracts for the furnishing of machinery or equipment which has or may have a productive function in connection with processing;

(b) The contract or subcontract did not constitute a substitute for or a revision or

extension of an existing contract or subcontract entered into on or before June 30, 1943;

(c) The work covered by the contract was substantially the same as the work for which the bids were requested;

(d) Bids were received from two or more independent, responsible and qualified bidders in actual competition with each other; and

(e) The contract or subcontract was let to the lowest qualified bidder, at a price not in excess of the low bid;

or where the subcontract is a construction contract which (1) meets the conditions prescribed in subparagraph (a) above, and (2) is a subcontract under a contract or subcontract exempt from renegotiation under the foregoing provisions of this paragraph 355.3. Accordingly, the War Contracts Price Adjustment Board, in accordance with subsection (1) (4) of the Renegotiation Act, has exempted such contracts and subcontracts from all of the provisions of the Act.

(2) In distinguishing a contract or subcontract for the construction of a building, structure, improvement or facility from a contract or subcontract for the furnishing or installation of machinery or equipment, the principles of [RR] paragraph 346.2 (2) [reprinted in § 812.1290 (c)] will be followed.

(3) If a construction contract or subcontract is exempt from renegotiation under the provisions of this paragraph 355.3, all modifying instruments thereto providing for additional or different construction of buildings, structures, improvements or similar facilities at or adjacent to the site of the original project are considered a part of the original construction contract or subcontract and therefore are exempt from renegotiation. *Provided, however, That the aggregate contract prices of all such modifying instruments do not exceed one-third of the contract price of the original construction contract or subcontract.*

(4) Determination whether this exemption is applicable to any particular prime contract shall be made, upon the basis of the principles referred to in the preceding subdivisions of this paragraph, by the renegotiation agency of the Department or Service conducting the renegotiation in which such prime contract is involved. The renegotiation agency of each Department or Service shall maintain a central file with respect to determinations made by it as to the exempt or non-exempt status of prime contracts. In any case in which the renegotiable status of a construction subcontract is dependent upon the applicability or nonapplicability of the provisions of this paragraph 355.3 to a prime contract, the procedure to be followed shall be the same as is provided in [RR] paragraph 347.2 (2). If the exempt or non-exempt status of a construction subcontract is not dependent upon the status of a prime contract, then the renegotiation agency of the Department or Service conducting the renegotiation in which such subcontract is involved shall determine the exempt or non-exempt status of such subcontract.

355.4 *Application of exemption to construction contracts and subcontracts entered into subsequent to December 31, 1943.*

The War Contracts Board has found that competitive conditions affecting the making of construction contracts and subcontracts entered into subsequent to December 31, 1943, were such as to result in effective competition with respect to the contract or subcontract price, and accordingly, the Board, in accordance with subsection (1) (4) of the 1943 Act, has exempted such contracts and subcontracts from all of the provisions of the 1943 Act. The term "construction contracts and subcontracts" as used herein shall be construed in accordance with the principles set forth in subparagraphs (1) (a) and (2) of [RR] paragraph 355.3.

(c) *Discretionary exemption relating to subcontracts where not administratively feasible to determine and segregate*

profits. RR 356.1 and 356.2 provide as follows:

356.1 *Statutory authority.* Subsection (1) (4) of the 1943 Act authorizes the War Contracts Price Adjustment Board, in its discretion, to exempt from some or all of the provisions of the act.

(F) Any subcontract or group of subcontracts not otherwise exempt from the provisions of this section, if, in the opinion of the Board, it is not administratively feasible in the case of such subcontract or in the case of such group of subcontracts to determine and segregate the profits attributable to such subcontract or group of subcontracts from the profits attributable to activities not subject to renegotiation.

356.2 *Exemption.* (1) The War Contracts Board has found that it is not administratively feasible to determine and segregate the profits attributable to activities subject to renegotiation from those not so subject in the case of the following subcontracts:

(a) Subcontracts directly or indirectly under a prime contract to which the provisions of [RR] paragraph 346.2 [reprinted in § 812.1290 (c)] are applicable as to only a portion of the amounts received or accrued therefrom, due to the fact that a portion of such amounts were received or accrued in a fiscal year ending prior to July 1, 1943;

(b) Subcontracts directly or indirectly under any modifying instrument of the general type described in [RR] paragraph 346.2 (3) [reprinted in § 812.1290 (c)] (regardless of whether such modifying instrument is exempted under that paragraph) which modifies a contract to which the provisions of [RR] paragraph 346.2 are applicable; and

(c) Subcontracts for the construction of a building, structure, improvement or other similar facility directly or indirectly under any modifying instrument of the general type described in [RR] paragraph 355.3 (3) [reprinted in § 812.1291 (d)] (regardless of whether such modifying instrument is exempted from renegotiation under [RR] paragraph 355.3).

The War Contracts Board has therefore exempted the foregoing subcontracts from all the provisions of the 1943 Act.

(2) Since the powers of the War Contracts Board under subsection (1) (4) (F) ([RR] paragraph 356.1) are applicable only to amounts received or accrued for fiscal years ending after June 30, 1943, the exemptions made by this paragraph 356.2 are applicable only to amounts received or accrued under such subcontracts for fiscal years ending after June 30, 1943.

(3) In determining whether a subcontract is one for the construction of a building, structure, improvement or other similar facility, the principles of [RR] paragraph 346.2 shall be applied.

Reference is also made to RR 842 set forth in § 812.1291 (b) (2).

§ 812.1292 *Determination by the Quartermaster General of perishable commodities.* Under date of April 13, 1944, The Quartermaster General issued a list of foods determined to be perishable pursuant to the authority conferred upon him by § 812.1205 (h). This list is not reproduced here for the reason that all items on such list are included in the list of perishable foods set out in § 812.1291 (b) (3).

[Procurement Reg. 13]

PART 813—FORMS OF CONTRACTS

1. Section 813.1317b is amended to read as follows:

§ 813.1317b *W D. Contract Form No. 18 (W D. Form No. 18)—Short Form, Revised 11 November 1944—(a) Ex-*

planatory notes. (1) W. D. Contract Form No. 18 has been revised as of 11 November 1944 and is now printed by the War Department as W. D. Form No. 18, and distributed in accordance with AR 310-200.

(2) W. D. Contract Form No. 18 is available for optional use by the technical services (including the service commands) for procuring any supplies or services, regardless of the number or period of deliveries or of the number of payments involved, where

(i) The amount of the purchases does not exceed \$500,000; and

(ii) No special contract form is available and suitable for the particular type of procurement; and

(iii) No special contract provisions are required, the insertion of which in the particular case would unduly complicate the form; and

(iv) Signature by the contractor evidencing acceptance of the order is not required, and is not desired. Signature by the contractor is not required where (a) the amount of the order is not in excess of \$5,000 or (b) the amount of the order is in excess of \$5,000 but not in excess of \$500,000 and the order is preceded by an oral or written quotation or is based upon a price list.

(3) Where the price is not in excess of \$5,000 the line reading "In accordance with your price list/oral quotation/"

written quotation of _____", appearing on the front side of the form, will be deleted by the contracting officer. Otherwise the contracting officer will delete those words which do not apply, and insert the date.

(4) Each technical service may insert (either on continuation sheets or in the blank space provided on the reverse side of W. D. Form No. 18, or in any other space on the form) special provisions covering (i) methods of presenting invoices or vouchers, and (ii) methods of packing, shipping, and marking. Continuation sheets may also be used as extensions of columns on the form.

(5) If the uniform article concerning "Termination at the Option of the Government" (§ 803.324) or the statutory renegotiation article (§ 803.342-1) is necessary or desirable, W. D. Form No. 47-a (see § 813.1317c (b)) may be used as a continuation sheet to W. D. Form No. 18. If the uniform termination article (§ 803.324) is included, General Provision 16 (short-form "Termination at the Option of the Government") on the reverse side of W. D. Form No. 18 should be deleted.

(6) W. D. Form No. 18 will be requisitioned as prescribed in AR 310-200. Requisitioning agencies should specify bond, tissue, or ditto in requisitioning the form.

(b) *Contract form.*

W. D. Form No. 18—REVISED 11 NOVEMBER 1944 (FRONT)

NOTE: Forms printed in the FEDERAL REGISTER are for information only, and do not follow the exact format prescribed by the issuing agency.

W. D. Form No. 18
11 November 1944

WAR DEPARTMENT PURCHASE ORDER

Date _____		Contract No. (if any) W-_____
W. D. establishment, office or station, and address _____		Order No. _____
To: _____		Above numbers must appear on all packages and papers relating to this order.
(Contractor)		Payment will be made by Finance Officer, U. S. Army, at _____
(Address)		The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following allotments, the available balances of which are sufficient to cover the cost thereof:
(Factory address)		
Ship to: _____		

In accordance with your price list/oral quotation/written quotation of _____, please furnish the following on the terms specified on both sides of this page and on the attached checks including delivery f. o. b. _____
Methods of presenting invoices or vouchers, and of packing, marking, and shipping, shall be as provided here, except as otherwise directed by the Contracting Officer.
Schedule of deliveries _____

Item No.	Supplies or services	Quantity	Unit	Unit price	Amount
Inspection points:		Total _____			

This order is authorized by and negotiated under the First War Powers Act, 1941 (Public, 354, 77th Cong.), and Executive Order No. 9001 (Dec. 27, 1941).
Attached sheets numbered _____

UNITED STATES OF AMERICA,

By _____
Title _____
Contracting Officer.

[Reverse side of W. D. Form No. 18—Revised 11 November 1944]

GENERAL PROVISIONS

The General Provisions of W. D. Form No. 18 are the same as the General Provisions appearing on the reverse side of W. D. Form No. 383 (see § 813.1317a (b)).

2. In § 813.1317d, the text following the form under paragraph (b) is amended to read as follows:

[Reverse side of W. D. Contract Form No. 5]

This is the same as reverse side of W. D. Contract Form No. 383 (see § 813.1317a).

[Sheet to be added when applicable]

This is the same as the added sheet for W. D. Contract Form No. 47 (see W. D. Contract Form No. 47-a (§ 813.1317c)).

3. In § 813.1317f, the text following the form under paragraph (b) is amended to read as follows:

[Reverse side of W. D. Contract Form No. 6]

This is the same as reverse side of W. D. Contract Form No. 383 (see § 813.1317a).

[Sheet to be added when applicable]

This is the same as the added sheet for W. D. Contract Form No. 47 (see W. D. Contract Form No. 47-a (§ 813.1317c)).

4. In § 813.1326a (b), Article 17 of the contract form is amended to read as follows:

§ 813.1326a W. D. Contract Form No. 26A. * * *

(b) *Contract form.*

ART. 17. *Use warranty.* The Purchaser represents and warrants that it will use or consume the property covered hereby in the United States for manufacturing, construction, maintenance or repair purposes, and the Purchaser agrees that if it does not use or consume any of the items, it will not resell them at a profit.

Subchapter B—Disposition of Property
[Procurement Reg. 7]

PART 824—DISPOSITION OF NON-REPAIRABLE PROPERTY

In § 824.401, paragraph (e) is revoked, paragraph (f) is redesignated (e) and paragraph (d) is amended to read as follows:

§ 824.401 *Non-military property other than current production scrap.* * * *

(d) Non-repairable property in the possession of a contractor may be either (i) sold to or by the contractor when authorized pursuant to the provisions of § 824.403, below, or (ii) turned over to a salvage officer for disposal. In either case, if the property is required to be accounted for under War Department Technical Manuals 14-910, "Manual for Cost-Plus-A-Fixed-Fee Supply Contracts," and 14-911, "Accounting for Government Property Furnished Under Fixed-Price Contracts," the certificate prescribed in paragraph (a) above, will not be required. In such cases the credit voucher to the property account will consist of a copy of the list of property turned over to a salvage officer or approved by the contracting officer for sale by the contractor, supported by the contracting officer's written advice to the accountable property officer as prescribed in paragraph 103 of TM 14-910 and paragraph 80 of TM 14-911, respectively, or if there is no question as to the responsibility of the contractor for the condition of the property, supported by a written order of the contracting officer directing transfer to the salvage officer or approving the sale by the contractor.

PART 826—DISPOSITION OF SERVICEABLE NON-MILITARY PROPERTY

SUBPART A—PRODUCTION EQUIPMENT AND UTILITY EQUIPMENT

Section 826.616 is revoked as follows:

§ 826.616 *Storage of surplus part 1 property.* [Revoked]

PART 829—APPENDIX

In § 829.902, the third from the last address under "Office of the Chief of Ordnance" is amended to read "Office, Chief of Ordnance-Detroit, ATTN: Redistribution Division (SPOMC-M) Union Guardian Building, Detroit 32, Michigan" and the last address under "Office of the Chief of Chemical Warfare Service" is amended to read "Commanding Officer, Indianapolis CW Depot, 2060 Northwestern Avenue, Indianapolis 7, Indiana. (Part 3 only)"

[F. R. Doc. 45-2408; Filed, Feb. 10, 1945; 2:59 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control

[Amdt. 285]

PART 811—BLANKET LICENSE "BLT"

VEGETABLE OILS AND FATS

Paragraph (f) of 8811.2 *General provisions* is hereby amended by adding to the commodities listed therein the following commodities:

Commodity—	Schedule B No.
Vegetable Oils and Fats, Edible.	1420.00 thru 1449.98

This amendment shall become effective immediately upon publication.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong., Pub. Law 238, 77th Cong., Pub. Law 397, 78th Cong., E.O. 9361, 8 F.R. 9861, Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081, Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: February 12, 1945.

S. H. LEBENSBURGER,
Director
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 45-2533; Filed, Feb. 14, 1945; 10:35 a. m.]

[Amdt. 286]

PART 802—GENERAL LICENSES

FRENCH INDIA

Section 802.2 *General license numbers* is hereby amended in the following particulars:

Paragraph (a) is amended by adding French India (Pondichery, Karikal, Chandernagor, Mahe, and Yanaon) to the list of countries set forth therein and by assigning to said country the "general license" number 104.

This amendment shall become effective immediately upon publication.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong., Pub. Law 238, 77th Cong., Pub. Law 397, 78th Cong., E.O. 9361, 8 F.R. 9861, Order No. 1, 8 F.R. 9938; E.O. 9380,

8 F.R. 13081, Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: February 8, 1945.

S. H. LEBENSBURGER,
Director
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 45-2534; Filed, Feb. 14, 1945; 10:35 a. m.]

[Amdt. 287]

PART 802—GENERAL LICENSES

FRENCH INDIA

Section 802.3 *General license country groups* is hereby amended in the following particulars:

Paragraph (a) is amended by adding to the destinations designated as "Group G" the following:

French India (Pondichery, Karikal, Chandernagor, Mahe, and Yanaon), 104.

This amendment shall become effective immediately upon publication.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong., Pub. Law 238, 77th Cong., Pub. Law 397, 78th Cong., E.O. 9361, 8 F.R. 9861, Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081, Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: February 8, 1945.

S. H. LEBENSBURGER,
Director
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 45-2535; Filed, Feb. 14, 1945; 10:35 a. m.]

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 19, Direction 2 as Amended Feb. 14, 1945]

DELIVERIES OF FARM CHAIN BY CHAIN MANUFACTURERS

The following direction is issued pursuant to paragraph (f) (1) of Priorities Regulation 19 in order to supply urgent requirements for farm chain:

(1) During the period from February 14, 1945 through June 30, 1945, chain manufacturers are directed to disregard preference ratings (other than AAA) to the extent necessary to fill all orders for farm chain from suppliers and dealers who serve the farm trade. Farm chain includes only the following types of chain, and preference ratings are to be disregarded only up to the stated percentage of total weight production of each type during the calendar year 1940 or 1941 whichever was greater:

Percentage of total weight
production in 1940 or 1941
whichever was greater

Type of chain:

Harness chain (Including breast, butt heel and trace chains)-----	35
Wagon chains-----	50
Cow ties, tie outs and halter chains---	35
Log chains under ½"-----	15

(2) If any chain manufacturer is unable to fill all orders from such suppliers and dealers out of the stated percentages he may prorate deliveries among them on the basis of normal shipments regardless of preference ratings (other than AAA). Orders from such suppliers and dealers in excess of the stated percentages are to be filled only in accordance with priorities regulations.

(3) Suppliers and dealers who are entitled to obtain chain under this special procedure should certify on their purchase orders that they serve the farm trade. However a chain manufacturer who knows or has reason to believe that a particular supplier or dealer does serve the farm trade need not insist that a certification be furnished on the purchase order.

(4) Except as specifically otherwise provided manufacture and delivery of farm chain are subject to the provisions of Limitation Order L-302, Priorities Regulation 19, and all other applicable orders and regulations of the War Production Board as amended from time to time.

Issued this 14th day of February 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-2542; Filed, Feb. 14, 1945; 11:17 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-712]

BUZZELL ELECTRIC WORKS

F W Buzzell is the owner of a contracting and maintenance firm doing business under the trade name and style of Buzzell Electric Works located at 130, 8th Street, San Francisco, California. The firm is principally engaged in electric motor repair service, but does some construction work. On or about the 22d day of October, 1943, the firm began and completed, without first having obtained the authorization of the War Production Board, certain construction, consisting of new fluorescent lighting installation for the San Francisco Daily News, a daily newspaper, at a total cost of approximately \$5,470.02. On or about the 9th day of March, 1944, the firm began and completed, without first having obtained the authorization of the War Production Board, certain construction consisting of a new fluorescent lighting installation for the Chronicle Publishing Company, publishers of the San Francisco Chronicle, at a total cost of approximately \$4,165.21. These construction projects were in violation of Conservation Order L-41, resulted from the gross negligence of responsible persons associated with the firm, and critical materials have been diverted to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.712 *Suspension Order No. S-712.* (a) F W Buzzell, doing business as Buzzell Electric Works, shall not for three months from the effective date of

this order apply or extend any preference ratings or use any CMP allotment symbols, regardless of the delivery date named in any purchase order to which such ratings may be applied or extended or on which CMP allotment symbols are used.

(b) This order shall apply only to purchase orders for materials to be used in construction, as the same is defined in Conservation Order L-41, begun after February 14, 1945, and shall not apply to purchase orders for materials for maintenance and repair of electrical equipment.

(c) The restrictions and prohibitions contained herein shall apply to F. W. Buzzell, doing business as Buzzell Electric Works, his successors and assigns or persons acting on his behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(d) Nothing contained in this order shall be deemed to relieve F. W. Buzzell from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on February 14, 1945.

Issued this 7th day of February 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-2543; Filed, Feb. 14, 1945
11:17 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS¹

[General Imports Order M-63, as Amended
Feb. 14, 1945]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain imported materials for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1042.1 *General Imports Order M-63*—(a) *Definitions*. For the purposes of this order:

(1) "Person" means any individual, partnership association, business trust, corporation, or any organized group of persons, whether or not incorporated.

(2) "Owner" of any material means any person who has any property interest in such material except a person whose interest is held solely as security for the payment of money.

(3) "Consignee" means the person to whom a material is consigned at the time of importation.

(4) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States (including the Philippine Islands) It includes shipments into a free port, free zone, or bonded custody of the

United States Bureau of Customs (bonded warehouse) in the continental United States and shipments in bond into the continental United States for transshipment to Canada, Mexico, or any other foreign country.

(5) "Place of initial storage" means any warehouse, yard ground storage, or other place, to which the person making the entry or withdrawal from custody of the United States Bureau of Customs of material imported subject to this order directs or has directed that such material be transported from the port of entry to be held until disposed of pursuant to this order.

(6) Material shall be deemed "in transit" if it is afloat, if an on board ocean bill of lading has actually been issued with respect to it, or if it has actually been delivered to and accepted by a rail, truck, or air carrier, for transportation to a point within the continental United States.

(7) "Governing date" with respect to any material means the date when such material first became subject to General Imports Order M-63.

(b) *Restrictions on imports of materials*—(1) *General restriction*. No person, except as authorized in writing by the War Production Board, shall purchase for import, import, offer to purchase for import, receive, or offer to receive on consignment for import, or make any contract or other arrangement for the importing of, any material subject to this order after the governing date. The foregoing restrictions shall apply to the importation of any material subject to the order, regardless of the existence on the governing date or thereafter of any contract or other arrangement for the importation of such material. The materials subject to this order are those listed from time to time upon List I, List II, and List III attached hereto.

(2) *Authorization by War Production Board*. Any person desiring such authorization, whether owner, purchaser, seller, or consignee of the material to be imported, or agent of any of them, shall make application therefor in duplicate on Form WPB-1041 (formerly PD-222C) addressed to the War Production Board, Ref. M-63, Washington 25, D. C. Unless otherwise expressly permitted, such authorization shall apply only to the particular material and shipment mentioned therein and to the persons and their agents concerned with such shipment; it shall not be assignable or transferable either in whole or in part.

(3) *Restrictions on financing of imports*. No bank or other person shall participate, by financing or otherwise, in any arrangement which such bank or person knows or has reason to know involves the importation after the governing date of any material subject to this order, unless such bank or person either has received a copy of the authorization issued by the War Production Board under the provisions of paragraph (b) (2) or is satisfied from known facts that the proposed transaction comes within the exceptions set forth in paragraph (b) (4).

(4) *Exceptions*. Unless otherwise directed by the War Production Board,

the restrictions set forth in this paragraph (b) shall not apply.

(i) To the Foreign Economic Administration, U. S. Commercial Company, Commodity Credit Corporation, Metals Reserve Company, Defense Supplies Corporation, or any other United States governmental department, agency, or corporation, or any agent acting for any such department, agency or corporation; or

(ii) To any material of which any United States governmental department, agency, or corporation is the owner at the time of importation, or to any material which the owner at the time of importation had purchased or otherwise acquired from any United States governmental department, agency or corporation; or

(iii) To any material which on the governing date was in transit to a point within the continental United States.

(iv) [Deleted Mar. 30, 1944]

(v) To any material consigned as a gift or imported for personal use where the value of each consignment or shipment is less than \$100.00; or to any material consigned or imported as a sample where the value of each consignment or shipment is less than \$25.00; or to any used material in the category of household goods imported by the owner for his own personal use; or

(vi) To materials consigned as gifts for personal use by or to members of the Armed Services of the United States; or

(vii) [Deleted Nov. 13, 1944]

(viii) To manufactured materials which are imported in bond solely for the purpose of having them repaired and then returned to the owner outside the continental United States; or

(ix) To materials which were grown, produced, or manufactured in the continental United States, and which were shipped outside the continental United States on consignment or pursuant to a contract of purchase, and which are now returned as rejected by the prospective purchaser; or

(x) To materials shipped into the United States in transit from one point in Mexico to another point in Mexico, or from one point in Canada to another point in Canada.

(xi) To materials on List III which are located in, and are the growth, production, or manufacture of, and are transported into the Continental United States overland, by air, or by inland waterway from Canada, Mexico, Guatemala or El Salvador.

(c) *Restrictions on disposition of List I material*. Except as hereinafter specifically provided in paragraph (d) hereof:

(1) *Restrictions upon owners and consignees*. No owner or consignee of any material on List I which is imported after the governing date shall in any way, directly or indirectly—

(i) Dispose of any interest in such material;

(ii) Process or in any way change the physical condition of such material;

(iii) Transfer possession, or cause or permit a transfer of possession, of such material except to the port of entry and from the port of entry to the place of initial storage of such material; or

¹ Certain food items formerly on Lists I, II, and III are now subject to import control in accordance with War Food Administration Order 63.

(iv) Change or cause or permit a change of, the location of such material except to the port of entry and from the port of entry to the place of initial storage of such material.

Provided: That a consignee of such material may dispose of his interest in such material to the extent necessary to complete any commitment or contract made prior to the governing date. The person to whom he disposes of such interest shall be subject to all restrictions imposed upon owners by this order.

(2) *Restrictions upon banks and persons similarly situated.* No bank or other person which, as agent, pledgee, beneficiary under a trust receipt, or otherwise, has possession of or any interest in any written instrument evidencing any interest in any material on List I shall in any way, directly or indirectly, dispose of any such interest, or transfer possession, or cause or permit a transfer of possession, of such instrument, unless:

(i) Such material was imported before the governing date; or

(ii) Such person neither knows nor has reason to know that such material was imported after the governing date; or

(iii) Such disposition or transfer is necessary to permit a consignee to make a permissible disposition of material in accordance with subparagraph (1) of this paragraph (c) or

(iv) Such disposition or transfer is made to the owner of the material and such owner has complied with all the provisions of this order.

(d) *Permissible disposition of List I materials*—(1) *Transfer to governmental agency.* Nothing contained in this order shall prohibit an owner or consignee of any material on List I imported after the governing date, or a bank or other person having possession of, or an interest in, a written instrument evidencing an interest in such material, from disposing of, or making any arrangement to dispose of, any interest in such material to the Foreign Economic Administration, Commodity Credit Corporation, Metals Reserve Company, Defense Supplies Corporation, or any other United States governmental department, agency, or corporation.

(2) *Authorization by War Production Board.* Notwithstanding the provisions of paragraph (c) an owner or consignee of material on List I imported after the governing date or a bank or other person having possession of or an interest in a written instrument evidencing an interest in such material, may process such material or may dispose of any interest in such material or any such written instrument, or transfer possession or change the location thereof, or cause or permit such a transfer of possession or change of location, upon written authorization by the War Production Board. Any such person may make application in duplicate for such an authorization on Form WPB-1039 (formerly PD-222A) which form shall be addressed to the War Production Board, Ref.. M-63, Washington 25, D. C.

(3) *Exceptions.* The restrictions set forth in paragraph (c) shall not apply to any material after any United States governmental department, agency, or

corporation becomes the owner thereof, and shall not apply to any material of which any United States governmental department, agency, or corporation is the owner at the time of importation, and shall not apply to any material purchased or otherwise acquired from any United States governmental department agency, or corporation.

(e) *Restrictions on disposition of List II or List III material.* Unless otherwise provided by the terms of the authorization issued pursuant to paragraph (b)

(2) any material on List II or List III, which is imported in accordance with the provisions of this order after the governing date, may be sold, delivered, processed, consumed, purchased, or received without restriction under this order, but all such transactions shall be subject to all applicable provisions of the regulations of the War Production Board and to all orders and directions of the War Production Board which now or hereafter may be in effect with respect to such material.

(f) *Reports*—(1) *Reports on customs entry.* No material which is imported after the governing date, including materials imported by or for the account of the Foreign Economic Administration, U. S. Commercial Company, Commodity Credit Corporation, Metals Reserve Company, Defense Supplies Corporation, or any other United States governmental department, agency, or corporation, shall be entered through the United States Bureau of Customs for any purpose, whether for consumption, for warehouse, in transit, in-bond, for re-export, for appraisal, or otherwise, unless the person making the entry shall file with the entry Form WPB-1040 (formerly PD-222B) in duplicate except in the case of a material described in paragraph (b) (4) (xi) when the person making the entry need not file with the entry Form WPB-1040 (formerly PD-222b). The filing of such form a second time shall not be required upon any subsequent entry of such material through the United States Bureau of Customs for any purpose; nor shall the filing of such form be required upon the withdrawal of any material from bonded custody of the United States Bureau of Customs, regardless of the date when such material was first transported into the continental United States. Both copies of such form shall be transmitted by the Collector of Customs to the War Production Board, Division of Stockpiling and Transportation, Ref.. M-63, Washington 25, D. C.

(2) *Other reports.* All persons having any interest in, or taking any action with respect to, any material imported after the governing date, whether as owner, agent, consignee, or otherwise, shall file such other reports as may be required from time to time by the War Production Board.

(3) *Exceptions.* The provisions of this paragraph (f) shall not apply to materials imported and consigned as gifts for personal use by or to members of the Armed Services of the United States.

(g) *Routing of communications.* All communications concerning this order shall, unless otherwise herein directed, be addressed to: War Production Board, Washington 25, D. C., Ref.. M-63.

(h) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or who furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority assistance. In addition, the War Production Board may direct the disposition and use of any material which is imported without authorization as required by paragraph (b)

(i) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(j) *Effect on liability of removal of material from order.* The removal of any material from the order shall not be construed to affect in any way any liability for violation of the order which accrued or was incurred prior to the date of removal.

Issued this 14th day of February 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST I

The numbers listed after the following materials are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (Issue of January 1, 1943). Materials are included in the list to the extent that they are covered by the commodity numbers listed below. If no commodity number is listed, the description given shall control.

Material	Com- merce Import Class No.	Govern- ing date
Brazilian pebble (quartz crystals), unmanufactured.....	6120 000	10/0/42
Brazilian pebble (quartz crystals) manufactured and semimanufactured in blanks, slabs, bars, etc.....	N. S. C. 2030. 000	10/0/42
Broomcorn.....	6213. 100	11/23/42
Chrome ore (Chromite).....	6213. 300	12/23/41
	6213. 600	12/23/41
Feathers for beds (including goose and duck feathers and down, and mixtures thereof, new and used)...	0922. 200	0/23/43
Manganese ore (including ferruginous) or concentrates, and manganese iron ore, containing 35 percent and over of manganese.	6211. 200 6211. 300	5/14/43 5/14/43

¹ Moved from List II 5/14/43.

N. S. C.—No separate class or commodity number has been assigned for the material as described by the Department of Commerce, Statistical Classification of Imports.

LIST II

NOTE: List II amended Feb. 14, 1945.

The numbers listed after the following materials are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (Issue of January 1, 1943). Materials are included in the list to the extent that they are covered by the commodity numbers listed below. If no commodity number is listed, the description given shall control.

List II—Continued

Material	Commerce Import Class No.	Governing date
Agave fibers, unmanufactured, not elsewhere specified on this order (except flume tow and bagasse waste)	N. S. C.	8/5/45
Agave manufactures and semi-manufactures:		
Sisal cordage, including cables, tarred or untarred composed of 3 or more strands, each strand composed of 2 or more yarns.	3417. 010 3417. 110	1/18/45 1/18/45
Carpet yarns of agave, dyed or undyed.	N. S. C.	7/21/45
Cordage of agave fibers, other than sisal.	N. S. C.	1/18/45
Cords and twines of agave fibers.	N. S. C.	1/18/45
Fabrics woven of agave fibers.	N. S. C.	9/11/45
Other manufactures (including all products in whole or in part of agave fibers)	N. S. C.	1/18/45
Alpargates	0369. 500	8/23/45
Beryl ore or beryllium ore.	6270. 600	5/4/45
Beryllium oxide, carbonate and other beryllium salts.	8380. 963	5/4/45
Bones, crude.	0911. 200	7/2/45
Bristles, hor and pig.	0917. 000 0979. 100	3/14/45 3/14/45
Brushes, n. s. p. 1.		
Paint brushes (including artists).	9715. 100	9/23/45
Other (except toilet brushes and hair pencils).	9715. 900	9/23/45
Cattle, ox, and calf tail hair including switches.	3696. 100	7/2/45
Cinchona bark or other bark from which quinine may be extracted.	2201. 000	5/22/45
Cow yarn and cow manufactures:		
Cow yarn.	3420. 000	11/23/45
Mattings and articles of cocoa fiber (cow fiber) or rattan.	3963. 000	10/21/45
Pile mats and floor coverings of cocoa fiber (cow fiber).	3960. 100	10/21/45
Cow manufactures (including all products of cow fiber), other than pile mats, floor coverings, matting, etc., elsewhere specified on this order.	N. S. C.	11/23/45
Copper.	6401. 800 6417. 100 6430. 000 6418. 300	12/28/45 3/14/45 3/14/45 6/1/45
Corundum in grains, or ground, pulverized or refined.	N. S. C.	5/22/45
Corundum ore.	5460. 600	5/22/45
Cotton fabrics:		
Grey tracing cloth fabric.	N. S. C.	11/23/45
Tracing cloth.	3970. 000	8/21/45
Typewriter ribbon fabric.	N. S. C.	8/21/45
Diamonds, rough or uncut (suitable for cutting into gem stones).	5950. 000	9/16/45
Diamonds industrial (rough or uncut, not advanced in condition or value by cleaving, splitting, cutting, boring, or other process):		
Carbonado and ballas.	5952. 100	9/16/45
Diamond dust.	5952. 600	9/16/45
Bort (Glaziers' and engravers' diamonds, not set, and miners' diamonds, n. e. s., and other industrial diamonds).	5952. 700	9/16/45
Emetine and salts thereof.	N. S. C.	18/5/45
Fish liver oil, n. e. s. (include halibut-liver oil).	2220. 250	9/12/45
Graphite or plumbago:		
Amorphous, natural (except of Mexican origin).	5730. 100	4/8/45
Crystalline flake.	5730. 500	12/28/45
Crystalline, crucible lump and chip graphite.	5730. 610	4/8/45
Crystalline, dust and other crystalline lump and chip graphite.	5730. 630	4/8/45
Hair, curled.	3448. 800	6/23/45
Hemp (Cannabis Sativa type only) unmanufactured:		
Hacked including "line of hemp".	3263. 000	9/11/45
Not hacked.	3263. 200	9/11/45
Tow.	3263. 300	9/11/45
Hides and skins:		
Buffalo hides, dry and wet.	0203. 600 0203. 100	1/13/45 1/13/45
Buffalo hides (India water buffalo, for use in rawhide articles) dry and wet.	0209. 000 0209. 100	9/16/45 9/16/45
Cabretta skins or hair sheep skins.	0235. 000	7/2/45
Calf, dry and wet.	0207. 000 0208. 000	1/13/45 1/13/45
Cattle hides, dry and wet.	0201. 000 0202. 000	1/13/45 1/13/45
Deer: buck or doe.	0293. 100	9/11/45
Goat and kid skins, dry and wet.	0241. 000 0242. 000	7/2/45 7/2/45
Kip, dry and wet.	0205. 000 0206. 000	1/13/45 1/13/45

List II--Continued

Material	Com- mence Import Class No.	Govern- ing date
Horse mane and tail hair, raw and drawn, including switches	3594.000 3594.100	3/14/4 3/14/4
Ipecac, crude and advanced in value or condition	2210.450 2220.170	1/15/4 1/15/4
Iron and steel scrap fit only for remanufacture	6594.000 6594.170	6/1/4 6/1/4
Isle or tampoico fiber, manufactured in whole or in part (dressed)	3410.010	3/7/4
Isle or tampoico fiber manufactures (incl. all products in whole or in part of isle)	N. O. C.	11/23/4
Isle or tampoico fiber, unmanufactured (including isle waste)	2405.000	3/14/4
Jewels, for any movement, mechanism, device or instrument dutiable under paragraphs 267 and 353 of the Tariff Act of 1909, or any meter or compass (jewel bearings)	4059.000	1/12/4
Jute and manufactures:		
Waste bagging and waste sugar sack cloth	3243.000 3244.000	6/10/4 6/10/4
Jute yarns or roving, single	3244.100 3244.250 3244.300	6/10/4 6/10/4 6/10/4
Jute cordage, twine and twist or 2 or more yarns twisted together, size of single yarn or roving:		
Not bleached, dyed or otherwise treated	3245.000 3245.050 3245.400 3245.450	6/10/4 6/10/4 6/10/4 6/10/4
Bleached, dyed or otherwise treated	3245.200 3245.250 3245.400 3245.450	6/10/4 6/10/4 6/10/4 6/10/4
Bagging for cotton, gunny cloth, etc., of single yarns, not bleached, colored, or printed, not exceeding 16 threads in warp and filling to the square inch, or jute or other vegetable fiber	3246.000 3246.100	6/10/4 6/10/4
Burlaps and other woven fabrics wholly of jute, n. s. p. f.	3247.000 3247.200	6/10/4 6/10/4
Plain woven fabrics of jute, weighing less than 4 ounces per square yard	3248.000	6/10/4
Woven fabrics of jute for paddings or interlinings exceeding 20 threads in warp and filling to the square inch, weighing from 4 1/2 to 12 ounces, inclusive, per square yard	3248.100	6/10/4
Woven fabrics, n. s. p. f. in chief value but not wholly of jute	3248.200 3248.250	6/10/4 6/10/4
Jute siliver	3249.000	6/10/4
Jute webbing, not exceeding 12 inches in width	3250.700	6/10/4
Jute manufactures, n. s. p. f.	3250.000 3250.050 3250.100	6/10/4 4/2/4 4/2/4
Jute bags or sacks	3250.150 3250.200	10/2/4 10/2/4
Jute butts, unmanufactured	3251.000	7/2/4
Jute, unmanufactured	3251.000 3251.050	10/2/4 7/2/4
Kapok	3253.000	
Lead manufactures:		
Collapsible tubes, manufactured in whole or in part of lead or lead alloy, filled or empty	N. S. C.	2/14/4
Fell, manufactured in whole or in part of lead or lead alloy	N. S. C.	2/14/4
Storage batteries (lead acid type)	N. S. C.	2/14/4
Leather, unmanufactured:		
Chamois leather	6333.200 6333.800 6333.900 6334.000	1/7/4 1/7/4 1/7/4 1/7/4
Goatskin and kidskin leather (except vegetable-tanned)	6334.200 6334.800 6334.900 6335.000 6335.050	1/7/4 1/7/4 1/7/4 1/7/4 1/7/4
Leather made from hides or skins of cattle of the bovine species	6335.100 6337.000	1/7/4 1/7/4
Leather made from hides or skins of animals of the equine species	N. S. C.	1/7/4
Rough-tanned leather (incl. India-tanned):		
Vegetable-tanned goat and sheepskins	6339.000 6339.100	1/7/4 1/7/4

See footnotes at end of table.

See footnotes at end of table.

List II—Continued

Material	Com- merce Import Class No.	Govern- ing date
Leather, unmanufactured—con.		
Sheep and lamb leather (including shearings and cabretta):		
Leather for shoe purposes:	6332.000	7/2/42
Glove and garment leather:	6332.100	7/2/42
Leather n. s. p. l. cut into shoe uppers, vamps, grother forms.	6332.200	7/2/42
Patent leather for the manufacture of footwear:	N. S. C.	7/2/42
Grained, embossed, etc., or fancy leather:	N. S. C.	7/2/42
Skivlers, n. s. p. l.	1342.400	7/2/42
In the rough, in the white, crust or russet, partly finished or unfinished:	6332.300	7/2/42
Other (except glove and garment):	6332.500	7/2/42
Leather products made in whole or in part of bovine, equine or goat skin leather:		
Aprons:	N. S. C.	5/21/44
Belts, transmission:	N. S. C.	5/21/44
Belts, designed to be worn on the person:	N. S. C.	5/21/44
Chaps, work:	N. S. C.	5/21/44
Flat leather goods:	N. S. C.	5/21/44
Footwear (including slippers):	N. S. C.	5/21/44
Furniture:	N. S. C.	5/21/44
Garments:	N. S. C.	5/21/44
Handbags and purses:	N. S. C.	5/21/44
Harness:	N. S. C.	5/21/44
Horse collars:	N. S. C.	5/21/44
Hydraulic, packing, mechanical, and textile leather products:	N. S. C.	5/21/44
Laces and thong:	N. S. C.	5/21/44
Luggage and related articles (including suitcases, valises, satchels, traveling and overnight bags, hatboxes, trunks and other luggage and boxes, caskets, chests, baskets, rolls, briefcases, portfolios, and other cases):		
Made wholly or in part of bovine leather:	N. S. C.	8/5/43
Made wholly or in part of equine leather:	N. S. C.	5/21/44
Made wholly or in part of goat skin leather:	N. S. C.	5/21/44
Rifle scabbards, rifle slings, pistol holsters and pistol belts:	N. S. C.	5/21/44
Saddles and saddlery:	N. S. C.	5/21/44
Suspenders:	N. S. C.	5/21/44
Leaf (Luffa) sponges:	N. S. C.	8/21/42
Magnety or cantala, unmanufactured:	2450.200	1/15/43
Mahogany, dressed (sawn and not further manufactured than planed, tongued, and grooved):	4204.100	7/21/42
Mahogany logs:	4203.000	7/2/42
Mahogany rough (not further manufactured than sawed):	4202.100	7/21/42
Manilla or abaca cordage, including cables, tanned or untanned, composed of 3 or more strands, each strand composed of 2 or more parts:	2417.005	6/23/43
	2417.105	6/23/43
Manilla or abaca fiber (except T grade tow):	2402.300	4/23/43
Manilla or abaca tow (T grade only):	2402.500	4/23/43
Manilla or abaca fiber manufactures (incl. all manilla or abaca products):	N. S. C.	4/23/43
Mezbita fiber:	N. S. C.	10/7/42
Metallite beryllium, calcium, lithium, and potassium:	8350.570	5/4/42
Mica:	8350.810	3/14/42
	8350.840	3/14/42
	8350.860	3/14/42
	8350.880	3/14/42
	8350.910	3/14/42
	8350.940	3/14/42
	8350.960	3/14/42
	8350.990	3/14/42
	8351.000	3/14/42
	8351.200	3/14/42
	8351.400	3/14/42
	8351.600	7/2/42
	8351.800	3/14/42
	8351.900	3/14/42
	8352.000	3/14/42
	8352.100	3/14/42
	8352.200	3/14/42
	8352.300	3/14/42
	8352.400	3/14/42
	8352.500	3/14/42
	8352.600	3/14/42
	8352.700	3/14/42
	8352.800	3/14/42
	8352.900	3/14/42
	8353.000	3/14/42
	8353.100	3/14/42
	8353.200	3/14/42
	8353.300	3/14/42
	8353.400	3/14/42
	8353.500	3/14/42
	8353.600	3/14/42
	8353.700	3/14/42
	8353.800	3/14/42
	8353.900	3/14/42
	8354.000	3/14/42
	8354.100	3/14/42
	8354.200	3/14/42
	8354.300	3/14/42
	8354.400	3/14/42
	8354.500	3/14/42
	8354.600	3/14/42
	8354.700	3/14/42
	8354.800	3/14/42
	8354.900	3/14/42
	8355.000	3/14/42
	8355.100	3/14/42
	8355.200	3/14/42
	8355.300	3/14/42
	8355.400	3/14/42
	8355.500	3/14/42
	8355.600	3/14/42
	8355.700	3/14/42
	8355.800	3/14/42
	8355.900	3/14/42
	8356.000	3/14/42
	8356.100	3/14/42
	8356.200	3/14/42
	8356.300	3/14/42
	8356.400	3/14/42
	8356.500	3/14/42
	8356.600	3/14/42
	8356.700	3/14/42
	8356.800	3/14/42
	8356.900	3/14/42

See footnotes at end of table.

LIST II—Continued

Material	Com- merce Import Class No.	Govern- ing date
Quinine salts or alkaloids from cin- chona bark:		
Quinine sulphate.....	8102. C06	3/5/43
Quinine alkaloid.....	8103. 200	3/5/43
Other salts and derivatives of quinine.....	8103. 306	3/5/43
Cinchonidine and its salts.....	8103. 400	3/5/43
Cinchonine and its salts.....	8103. 500	3/5/43
Quinidine and its salts.....	8103. C0C	3/5/43
Totaquine and totaquine com- pounds.....	N. S. O.	3/5/43
Red squill.....	2210. 650	10/21/42
Rotenone bearing roots (cube root (limbo or barbasco), derris and tuba), crude and advanced.....	2210. 280 2210. 300 2220. 360 2220. 370	5/4/42 5/4/42 5/4/42 5/4/42
Shark-liver oil, including oil pro- duced from dogfish livers, n. s. p. f.....	0808. 730	1/12/44
Silk:		
Cocoons.....	3703. C00	10/21/42
Partially manufactured silk, and silk noils exceeding 2 inches in length, not twisted or spun.....	3799. 00C	10/21/42
Raw silk in skeins, reeled from the cocoon, or re-reeled, not wound, doubled, twisted, or advanced.....	3702. 000 3704. 000	10/21/42 10/21/42
Silk waste.....	3702. 100	10/21/42
Wild silk or tussah.....		
Silver:		
Ores, concentrates, and base bul- lion, valuable chiefly for silver content.....	6819. 500	7/21/42
Bullion, refined.....	6819. 600	7/21/42
Coin, foreign.....	6819. 800	7/21/42
Sweepings and scrap, including silver sulphides.....	6819. 100	7/21/42
Semi-processed items, valuable chiefly for silver content.....	N. S. O.	7/21/42
Compounds, mixtures and salts, valuable chiefly for silver con- tent.....	N. S. O.	7/21/42
Sisal and henequen, unmanufac- tured (except flume tow and bagasse waste).....	N. S. O.	1/18/43
Urena lobata fiber.....	N. S. O.	10/6/42
Yucca fiber.....	N. S. O.	3/5/43
Zinc blocks, pigs or slabs.....	6553. 200	12/28/41

¹ Moved from List I 1/8/44.² Moved from List I 3/30/44.³ Moved from List I 3/30/44.⁴ Moved from List III 5/17/44.⁵ Moved from List I 11/13/44.⁶ Moved from List III 11/13/44.⁷ Moved from List I 12/28/44.⁸ Moved from List III 2/1/45.

N. S. O.—No separate class or commodity number has been assigned for the material as described by the Department of Commerce, Statistical Classification of Imports.

LIST III

Note: List III amended Feb. 14, 1945.

The numbers listed after the following materials are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (Issue of January 1, 1943). Materials are included in the list to the extent that they are covered by the commodity numbers listed below. If no commodity number is listed, the description given shall control.

Material	Com- merce Import Class No.	Govern- ing date
Agave fiber processors' mill waste (including sisal and henequen processors' mill waste).....	N. S. O.	8/5/43
Agave flume tow and bagasse waste not elsewhere specified on this order.....	N. S. O.	8/5/43
Balata, Coquirana (crude and washed).....	N. S. O.	5/27/44
Balata, Massarunduba.....	N. S. O.	3/5/43
Balata, Peruvian chicken-wire.....	N. S. O.	5/27/44
Balata, Peruvian F. A. Q., white.....	N. S. O.	3/5/43
Balata, not elsewhere specified on the order.....	N. S. O.	10/1/44

See footnotes at end of table.

LIST III—Continued

Material	Com- merce Import Class No.	Govern- ing date
Bone black, bone char, and blood char.....	0990. 130	7/2/42
Casein or lactarene.....	0943. 000	7/2/42
Congo gum copal.....	N. S. O.	1/12/44
Cotton linters (all grades).....	3005. 000	7/2/42
Cotton, raw (all staple length).....	3001. 000	7/2/42
	3003. 000	7/2/42
	3003. 700	7/2/42
	3003. 800	7/2/42
	3004. 350	7/2/42
Cotton waste.....	0930. 900	8/5/43
Glue stock, not elsewhere specified.	0930. 600	7/2/42
Hide cuttings, raw.....		
Hide splits, limed, pickled or dried (suitable for manufacturing into leather).....	N. S. O.	1/12/44
Hides and skins:		
Horse, colt, and ass.....	0211. 100	7/2/42
	0211. 300	7/2/42
	0212. 100	7/2/42
	0212. 200	7/2/42
	0212. 300	7/2/42
	0212. 500	7/2/42
Sheep and Lambskins except Shearlings, Cabretas, etc.....	0234. 000	7/2/42
Pickled skins, not split, no wool	0234. 100	7/2/42
Pickled fleshers, split, flesh side	0234. 200	7/2/42
Pickled skinners, split, grain side	0234. 270	7/2/42
Lignacoe oil or Bois de Rose.....		
Sisal and henequen flume tow and bagasse waste.....	N. S. O.	1/18/43
Tapioca, tapioca flour, and cassava (including mandocin flour).....	1228. 000	7/2/42
Wool, apparel, 40's or coarser, ex- cept on the skin.....	3506. 000	7/2/42
	3507. 100	7/2/42
	3507. 200	7/2/42
	3507. 300	7/2/42
	3508. 000	7/2/42
	3509. 100	7/2/42
	3509. 200	7/2/42
	3509. 300	7/2/42
Wool, apparel, finer than 44's ¹ , ex- cept on the skin.....	3520. 000	7/2/42
	3521. 100	7/2/42
	3521. 200	7/2/42
	3521. 300	7/2/42
	3522. 000	7/2/42
	3523. 100	7/2/42
	3523. 200	7/2/42
	3523. 300	7/2/42
	3526. 000	7/2/42
	3527. 100	7/2/42
	3527. 200	7/2/42
	3527. 300	7/2/42
	3528. 000	7/2/42
	3529. 100	7/2/42
	3529. 200	7/2/42
	3529. 300	7/2/42
Wool apparel, (finer than 40's but not finer than 44's) ¹ except on the skin.....	3513. 000	7/2/42
	3514. 100	7/2/42
	3514. 200	7/2/42
	3514. 300	7/2/42
	3524. 000	7/2/42
	3525. 100	7/2/42
	3525. 200	7/2/42
	3525. 300	7/2/42
Wool, carpet, except on the skin.....	3501. 000	7/2/42
	3502. 100	7/2/42
	3502. 200	7/2/42
	3502. 300	7/2/42

¹ Moved from List II 9/23/43.² Moved from List I 1/8/44.³ Moved from List I 3/30/44.

N. S. O.—No separate class or commodity number has been assigned for the material as described by the Department of Commerce, Statistical Classification of Imports.

INTERPRETATION 1

No authorization under paragraph (b) of the order is necessary for the release or withdrawal of materials on List II or List III from a free port, a free zone, or the bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States regardless of the date when such materials first entered such place. The actual importation, which is the subject of restriction under paragraph (b), is deemed to have occurred before the question of release or withdrawal arises. Also no authorization under paragraph (d) of the order is necessary for the subsequent disposition,

processing, or shipment of such released or withdrawn List II and List III materials.

As to List I materials which are similarly situated, no authorization under paragraph (b) of the order is necessary for their release or withdrawal from free port, free zone, or bonded custody, but authorization under paragraph (d) of the order is necessary for their subsequent disposition, processing, or shipment unless they are shipped in bond to Canada, Mexico, or some other foreign country, in which event the foreign destination is deemed to be the place of initial storage as such term is used in the order; *Provided, however, That List I materials which are imported in bond after July 2, 1942, can be shipped to Mexico, Canada, or some other foreign country without the express authorization required under paragraph (d) only if the import application filed under paragraph (b) stated that the material was being imported for the purpose of such export shipment.* (Issued June 30, 1942, and amended Sept. 23, 1943.)

INTERPRETATION 2

The following official interpretation is hereby issued by the War Production Board with respect to the meaning of the term "in transit" as defined in paragraph (a) (8) of General Imports Order M-63 (§ 1043.1) as amended:

By amendment dated December 17, 1943, the definition of material "in transit" was changed by adding the following clause, "or if it has actually been delivered to and accepted by a rail, truck, or air carrier, for transportation to a point within the continental United States." The question has been raised as to the meaning of the term as applied to a case where the material on the governing date had been delivered to and accepted by a rail, truck, or air carrier on a through bill of lading for transportation to a specified port and from thence by boat to a point within the continental United States.

The material in the stated case is not deemed to be in transit within the meaning of the term as used in the order. If the material is to be carried to the port of arrival in the continental United States by ship, the material must have been afloat, or on an board ocean bill of lading must have been issued with respect to it, on the governing date in order for it to be considered as having been in transit on such date.

Material which has been delivered to and accepted by a rail, truck, or air carrier on the governing date for transportation to a point within the continental United States is deemed to be in transit within the meaning of the term as used in the order only when the transportation specified in the bill of lading issued by such carrier calls for delivery of the material at the port of arrival in the continental United States by rail, truck, or air carrier, not by ship. (Issued March 5, 1943.)

INTERPRETATION 3

When by amendment of the order a material already on List II or List III is moved to List I and hence becomes subject to the restrictions of paragraph (c) covering the disposition, processing, transfer, or change of location of such material, the governing date for the application of such restrictions is the effective date of the amendment by which the material was moved to List I and not the date when such material first became subject to General Imports Order M-63 (Issued May 14, 1943.)

[F. R. Doc. 45-2540; Filed, Feb. 14, 1945; 11:17 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 22, as Amended Feb. 14, 1945]

SPECIAL ALLOTMENTS

The following amended direction is issued pursuant to CMP Regulation 1.

(a) *Purpose.* (1) This direction outlines the way in which a manufacturer of Class A products who does not receive allotments from his customers in time to permit him to make full use of them, may apply for a special allotment.

(2) Special allotments will not be granted except in extraordinary cases of urgent need where a clear showing is made that failure to make the allotment will actually cause an interruption of production to the detriment of the war effort and that the applicant has made a diligent effort to obtain allotments from his customers and has been unable to do so. The showing of these facts must be set up in the letter of transmittal covering the application.

(3) Usually manufacturers applying for a special allotment will be either those who are several steps removed from a prime consumer and where unavoidable delay is involved in passing allotments down or those engaged in long cycle operations whose customers are not able to furnish them with advance allotments.

(4) Special allotments will not be granted to prime consumers.

(b) *How to apply for special allotments.* Applications for special allotments should be made on Form CMP-4B. The following variations from the instructions for preparing the form must be observed:

(1) Mark the application "Special Allotment Procedure" in Item 3 of the heading.

(2) Insert in Item 4 of the heading the description of the A product covered by the application.

(3) The applicant must show in section II his total anticipated production schedule for the Class A product covered by the application to be produced from the allotments for the quarters for which application is made.

(4) The applicant must show in section III his total requirements during the quarters covered by the application to fill the total anticipated production schedule shown in section II.

(5) Section IV must be filled out in accordance with the instructions.

(6) The applicant must show in section V the quantity of controlled materials for which a special allotment is required which will be the difference between the quantities shown in section III and the quantities shown in section IV.

(7) All other information called for on the CMP-4B application, including shipment by preference ratings and Claimant Agencies (section I), must be given by the applicant. The application should be filed with the War Production Board Ref: Special Allotment Procedure, and must be accompanied by a letter of transmittal explaining fully why the applicant feels he is entitled to special treatment.

(8) In those cases where the applicant has been instructed by a particular Claimant Agency or Industry Division to file an application for a special allotment he should indicate the name of the Claimant Agency or Industry Division in Item 1 of the heading.

(c) *Conditions on use of special allotments.* Conditions on the use of special allotments will be imposed in the letter of transmittal accompanying Form CMP-150 on which the special allotment will be made. Among the conditions will be the following:

(1) A consumer receiving a special allotment must not use any allotment received from his customers to purchase controlled materials or Class A products needed in

manufacturing the Class A product covered by the special allotment. This restriction applies only to the quarter or quarters covered by the special allotment. However, when a consumer has returned customer's allotments, as provided by paragraph (c) (4), in the full amount of the special allotment made to him for any one quarter, the consumer may use allotments from his customers during the rest of the quarter just as though the special allotment had never been made.

(2) Authorized controlled material orders placed, or allotments made, on the basis of allotments received from customers (including SO orders received) prior to receiving the special allotment need not be changed, but the consumer receiving the special allotment must deduct from it the quantity of such orders and allotments for the same quarter.

(3) A manufacturer receiving a special allotment must not deliver any Class A product made out of controlled materials covered by the allotment to any customer unless the customer furnishes the manufacturer with an allotment and an authorized production schedule.

(4) A consumer receiving a special allotment must, not later than the fifth day of each calendar month following receipt of the special allotment, return to the Claimant Agency or Industry Division making the special allotment all allotments received from his customers for the manufacture of the Class A product covered by the special allotment, and must report allotments received and used prior to receipt of the special allotment. The return of allotments and reports must be made on Form CMP-23.

(d) *Quarters for which special allotments will be made.* This special allotment procedure will be used only to make allotments through the 4th quarter of 1945, unless further extended.

Issued this 14th day of February 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-2538; Filed, Feb. 14, 1945; 11:17 a. m.]

PART 3281—PULP AND PAPER

[General Preference Order M-93, Direction 1, as Amended Feb. 14, 1945]

PREFERRED STATUS OF CERTAIN DELIVERIES AND USES OF WOOD PULP

The following amended direction is issued pursuant to General Preference Order M-93:

(a) *Reasons for this direction.* A producer's output of wood pulp is allocated by the War Production Board for his own uses and for delivery to other consumers on the basis of the amount which he reports to the War Production Board as his estimated output. If he over-estimates his production, it is necessary and appropriate in the public interest and to promote the national defense to assure that this does not result in cutting off wood pulp from the consumers to whom it was allocated and who have no other source of supply for the continuance of their minimum operations, and to assure that any necessary reductions are made in those grades of paper and paperboard not listed in paragraph (d) below.

(b) *Producers.* If a producer is unable during any calendar quarter to make all deliveries which he has been directed on Form WFB-699 to make, he shall reduce his deliveries to himself to the extent necessary to complete all deliveries to consumers other than himself.

(c) *Consumers.* If a consumer during any calendar quarter has, or anticipates that he

will have, inventory and receipts of wood pulp less than the amount of wood pulp he is authorized on Form WFB-2973 to consume, he shall not use in the production of grades of paper and paperboard other than those listed in paragraph (d) below more wood pulp than the amount calculated by subtracting (1) the amount of his above-mentioned shortage of wood pulp from (2) the total amount of wood pulp he is authorized on Form WFB-2973 to use in the production of grades of paper and paperboard other than those listed in paragraph (d) below.

(d) *Grades of paper and paperboard having preferred production status:*
[Note: Items 03310 and 03320 deleted February 14, 1945]

Item No. from WFB-2973	Grades of Paper or Paperboard
021120	Mimeograph
021830	Target paper
031600	Offset
033000	Postal card (Government)
041130	Rag manifold
041141	Mimeograph (rag)
041169	Rag, map, and chart paper other than wet strength map paper
041230	Chemical wood pulp manifold
041241	Mimeograph (chemical)
041261	Chemical wood pulp wet strength map paper
041269	Chemical wood pulp chart and map paper other than wet strength map paper
043110	Rag content blueprint, brownprint, and similar base stock
043130	Rag content photographic and similar sensitizing stock
043210	Chemical wood pulp blueprint, brownprint, and similar base stock
043220	Chemical wood pulp photographic baryta stock
043230	Chemical wood pulp photographic, other than baryta
047100	Carbonizing paper
047200	Condenser tissue
051200	Greaseproof
051300	Glacine
051400	Vegetable parchment
051600	Unbleached kraft wrapping
053110	Asphalting, including creped or creping stock for asphalting
053120	Creping, including creped or creping stock not for asphalting and not including toweling
053400	Twisting and spinning (over #18)
053500	Waxing (18# and up)
053900	Base Stock for Ordnance Wrap
054100	Multi-wall bag and shipping sack paper
054300	Other specifications shipping sack paper
060100	Abrasive paper backing
060200	Cable paper
060300	Electrical insulation and armature paper and paperboard
060400	Gasket paper and paperboard (except dance fibre)
060700	Tabulating card stock
060820	Tag stock including light manila board
071000	Sanitary napkin stock
072001	Industrial toweling stock
073100	Toilet tissue stock, regular
074001	Industrial napkin stock
080500	Twisting tissue
080600	Fruit and vegetable wrapping tissue
114000	Vulcanizing fibre stock
115000	Resin impregnating stock
All items in Subschedule F-1, all grades of container board (211000 through 219000)	
224001	Milk bottle stock
224002	Milk bottle hood and lip cover stock
224003	Liquid tight container stock
224004	Cup and round nested food container stock
224005	Cup lid stock
224006	Ice cream and frozen food container stock

Item No. from	Grades of Paper or Paperboard
WPB-2973	
224007	Butter carton stock
224008	Milk bottle plug cap stock
228200	Double kraft lined arsenal board and similar specifications
251100	Ammunition container board and similar specifications for armed forces
256000	Dense fibre
263000	Liner for gypsum or plasterboard

Issued this 14th day of February 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-2541; Filed, Feb. 14, 1945;
11:17 a. m.]

PART 3291—CONSUMERS DURABLE GOODS [Limitation Order L-30-b, Direction 2]

ENAMELED COLD PACK CANNERS

The following direction is issued pursuant to Limitation Order L-30-b:

(a) *What this direction does.* This direction is designed to provide for the production of enameled cold pack canners for use in the 1945 canning season.

(b) *Definition of enameled cold pack canner.* An "enameled cold pack canner" is a covered utensil made of vitreous-enameled iron or steel having a capacity of from 17 to 25 quarts which may be used for canning food products and is designed to hold 7 one-quart jars, 9 one-pint jars or 4 half-gallon jars.

(c) *Number and sizes of cold pack canners that may be made.* In addition to his civilian quarterly quotas of iron and steel for enameled ware under paragraph (e) of Order L-30-b, any manufacturer may between February 14, 1945 and September 30, 1945, inclusive, use sufficient iron and steel to make not more than 50% of the number of enameled cold pack canners he made in the twelve months ending June 30, 1941. He may make only one size of them under this Direction, which may be in addition to any sizes he makes within his civilian quota under Order L-30-b. Each cold pack canner made under this Direction must be deep enough to cover a standard one-quart jar with at least one inch of water, and no cold pack canner made under this Direction may be sold as a stock pot.

(d) *The WPB may authorize additional cold pack canners.* If necessary to meet the approved program for enameled cold pack canners the War Production Board may authorize in writing any manufacturer to exceed his quota for them under this direction, including any one who has no quota. Any manufacturer who has additional facilities available for this purpose should file a letter with the War Production Board, Washington 25, D. C., Ref: L-30-b, stating the number he wishes to make and the facilities he has for this purpose. Each application should also be accompanied by a CMP-4B application for any additional steel which is needed and Form WPB-3820.

(e) *Wire racks.* Wire racks may be made of carbon steel for use in the enameled cold pack canners to be produced under this direction.

Issued this 14th day of February 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-2539; Filed, Feb. 14, 1945;
11:17 a. m.]

Chapter XI—Office of Price Administration

PART 1306—IRON AND STEEL

[RPS 10,¹ Amdt. 10]

FIG IRON

A statement of the consideration involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1306.56 is amended to read as follows:

§ 1306.56 *Appendix A. Basing point base prices for pig iron (per gross ton—2,240 lbs.) switching charges; certain differentials.*

	No 2 Foundry	Basic	Bessemer	Malleable	Low Phos
Bethlehem, Pa.	\$26.00	\$25.50	\$27.00	\$28.50	-----
Everett, Mass.	26.00	25.50	27.00	28.50	-----
Swedeland, Pa.	26.00	25.50	27.00	28.50	-----
Steelton, Pa.	26.00	25.50	27.00	28.50	-----
Birdsboro, Pa.	26.00	25.50	27.00	28.50	\$30.50
Sparrows Point, Md.	26.00	25.50	27.00	28.50	30.50
Erie, Pa.	25.00	24.50	26.00	25.50	-----
Neville Island, Pa.	25.00	24.50	25.50	25.00	-----
Sharpsville, Pa.	25.00	24.50	25.50	25.00	-----
Buffalo, N. Y.	25.00	24.00	26.00	25.50	30.50
Chicago, Ill.	25.00	24.50	25.50	25.00	-----
Granite City, Ill.	25.00	24.50	25.50	25.00	-----
Cleveland, Ohio	25.00	24.50	25.50	25.00	-----
Hamilton, Ohio	25.00	24.50	25.50	25.00	-----
Toledo, Ohio	25.00	24.50	25.50	25.00	-----
Youngstown, Ohio	25.00	24.50	25.50	25.00	-----
Detroit, Mich.	25.00	24.50	25.50	25.00	-----
Duluth, Minn.	25.50	25.00	26.00	25.50	-----
Birmingham, Ala.	21.33	20.00	26.00	-----	-----
Provo, Utah	23.00	22.50	-----	-----	-----

HIGH-SILICON, SILVERY

(Base Silicon 6.00 percent to 6.50 percent)
Jackson County, Ohio----- \$30.50
Buffalo, New York----- 31.75

GRAY FORGE

Valley or Pittsburgh Furnace----- \$24.50

CHARCOAL

Lake Superior Furnace----- \$34.00
Lyles, Tenn. High Phos. Furnace----- 28.50
Lyles, Tenn. Low Phos. Furnace----- 33.00

Switching charges. Basing point base prices are to be subject to an additional charge for delivery within the switching limits of the respective districts.

Silicon differentials. Basing point base prices are to be subject to an additional charge not to exceed \$0.50 a ton for each 0.25 percent, or portion thereof, silicon content in excess of base grade (1.75 percent to 2.25 percent)

Phosphorus differentials. Basing point base prices are to be subject to a reduction of \$0.38 per ton for phosphorus content of 0.70 percent and over.

Manganese differentials. Basing point base prices are to be subject to an additional charge not to exceed \$0.50 a ton for each 0.50 percent, or portion thereof, manganese content in excess of 1.00 percent.

Nickel differentials. Basing point base prices are to be subject to an additional charge for nickel content as follows:

*Copies may be obtained from the Office of Price Administration.
¹ 7 F.R. 1236.

Nickel content:	Additional charge
Under 0.50%-----	No extra
0.50% to 0.74% inc-----	\$2.00
0.75% to 0.99% inc-----	8.00
1.00% to 1.24% inc-----	4.00
1.25% to 1.49% inc-----	5.00
1.50% to 1.74% inc-----	6.00
1.75% to 1.99% inc-----	7.00

and in the same progression above 1.99%.

Exception. Struthers Iron and Steel Company, Struthers, Ohio, may charge \$0.50 a ton in excess of basing point base prices for No. 2 foundry, basic, bessemer and malleable.

This amendment shall become effective February 14, 1945.

Issued this 14th day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2544; Filed, Feb. 14, 1945;
11:39 a. m.]

PART 1378—COMMODITIES OF MILITARY SPECIFICATIONS FOR WAR PROCUREMENT AGENCIES

[MPR 157,¹ Amdt. 16]

SALES AND FABRICATIONS OF TEXTILE, APPAREL AND RELATED ARTICLES FOR MILITARY PURPOSES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 157 is amended in the following respects:

1. Section 1378.1 (c) (1) (i) (c) is added to read as follows:

(c) Asbestos yarn and cloth, and combination glass and asbestos yarn and cloth.

2. Section 1378.1 (c) (1) (iii) is amended to read as follows:

(iii) Wearing apparel, including findings, and other individual, organizational, or ship's personnel equipment made in whole or in part of any of the materials listed in (i) and (ii) above, or the materials listed in (i) (c) above.

This amendment shall become effective February 19, 1945.

Issued this 14th day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2545; Filed, Feb. 14, 1945;
11:39 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,² Amdt. 85]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amend-

¹ 9 F.R. 11059.

² 8 F.R. 16409, 16294, 16519, 16423, 17373; 9 F.R. 790, 902, 1581, 2008, 2023, 2091, 2493, 4030, 4086, 4088, 4434, 4786, 4787, 5920, 5929, 6104, 6108, 6420, 6711, 7259, 7268, 7434, 7425, 7580, 7583, 7759, 7774, 7834, 8148, 9066, 9090, 9289, 9358, 9509, 9512, 9549, 9785, 9896, 9897, 10192, 10192, 10499, 10877, 10777, 10878, 11350, 11534, 11546, 12038, 12208, 12340, 12341, 12263, 12412, 12537, 12643, 12968, 12973, 13067, 13139, 13205, 13781, 13934, 14062, 13995.

ment has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 426 is amended in the following respects:

1. Section 2 is amended to read as follows:

Sec. 2. *Sales of imported fresh fruits or vegetables.* This regulation applies not only to domestic fruit and vegetables but also to fruit and vegetables imported into the continental United States from a territory, possession or foreign country. However, as the regulation is drawn primarily for domestic produce, certain of its terms are inappropriate to imported produce. Accordingly, the maximum price for the first sale of imported produce after its entry into the continental United States must be determined as though the seller were a grower or country shipper under Appendix H or I, a grower-distributor under Appendix J, or a shipping point distributor under Appendix K. The maximum price for any sale of imported produce must be determined as though that produce has been produced at its port of entry and as though that were its country shipping point.

2. In sec. 15, Appendix H, paragraph (c) the table is amended in the following respects:

a. In Item 6, Column 3, the words "(containing 72 bunches or more and with a minimum net weight of one pound per bunch)" are added after the words "L. A. crate."

b. The subheading to Column 9 is changed to read "half container or larger or in bulk in any quantity."

3. In section 15, Appendix I, paragraph (c) the second sentence in Footnote 1 of Tables 2, 3, 6 and 7 and the first sentence in Footnote 8 of Table 8 are amended, in each case, to read as follows:

For citrus fruits packed in bushel baskets with a net content of $\frac{5}{8}$ that of "standard" or "legal" containers, and packed "fairly tight" or tighter, or packed in accordance with any applicable law, the maximum price in each case is $\frac{5}{8}$ of the maximum price for the same citrus fruits packed in "standard" or "legal" $1\frac{1}{2}$ bushel containers.

This amendment shall become effective February 19, 1945.

Issued this 14th day of February 1945.

CHESTER BOWLES,
Administrator

Approved: February 7, 1945.

MARVIN JONES,
War Food Administrator

[F. R. Doc. 45-2546; Filed, Feb. 14, 1945;
11:39 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS [MPR 373, Amdt. 126]

GROCERY ITEMS IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

Section 21 is amended in the following respects:

1. The table following paragraph (c) (1) is amended by changing the prices of certain items to read as follows:

	Wholesale maximum prices	Retail maximum prices
Garlic.....	\$0.37 per lb.	Per lb. \$0.42
Onions, dry, all colors....	\$2.45 per 50 lb. bag.	.67
Potatoes, U.S. #1 Whites..	\$4.85 per 100 lb. bag.	.67

2. The table following paragraph (d) (1) is amended by changing the wholesale maximum price of apples from "\$5.25 per box" to "\$8.48 per box" and the retail maximum price of apples from "\$0.17 per lb." to "\$0.22 per lb."

This amendment shall become effective as of January 15, 1945.

Issued this 14th day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2547; Filed, Feb. 14, 1945;
11:39 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS [MPR 373, Amdt. 127]

GROCERY ITEMS IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 21 is amended in the following respects:

1. The table following paragraph (c) (1) is amended by changing the wholesale maximum prices of garlic from "\$0.37 per lb." to "\$0.38 per lb." and potatoes, U. S. #1 Whites, from "\$4.85 per 100 lb. bag" to "\$5.00 per 100 lb. bag" by deleting the item "Onions, dry, all colors" and adding two new items to read as follows:

	Wholesale maximum prices	Retail maximum prices
Onions, dry, Oregon and California, yellow.	\$2.70 per 50 lb. bag..	Per lb. \$0.675
Onions, dry, Australian brown and Utah yellow.	\$3.45 per 50 lb. bag..	.10

2. The table following paragraph (d) (1) is amended by changing the wholesale maximum price of Oranges from "\$5.65 per box" to "\$5.60 per box"

This amendment shall become effective as of January 26, 1945.

Issued this 14th day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2548; Filed, Feb. 14, 1945;
11:40 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Atlantic County Area,¹ Corr. to Amdt. 8]

RESORT HOUSING

The dates in the first sentence of section 1 (b) (7) are corrected to read "June 1, 1945" and "September 30, 1945."

Issued and effective this 14th day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2550; Filed, Feb. 14, 1945;
11:40 a. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[MPR 540,² Incl. Amdts. 1-5, Corr.]

MAXIMUM PRICES FOR USED PASSENGER AUTOMOBILES

Section 6 (d) (2) of Maximum Price Regulation 540, incl. Amdts. 1-5 is corrected by changing the figure "30%" to read "70%"

This correction shall be effective as of February 1, 1945.

Issued this 14th day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2549; Filed, Feb. 14, 1945;
11:40 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission
[S. O. 232]

PART 95—CAR SERVICE

RESTRICTION OF BUNKER AND RETOP ICING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of February, A. D. 1945.

It appearing, that refrigerator cars loaded with fresh fruits and vegetables are arriving at destinations in certain areas described herein with excessive amounts of bunker and top ice thereon, and that the loss of time necessary to remove the excess ice and recondition the cars before they can again be used for transportation is causing undue delay in the use, control, supply, movement, distribution, exchange, interchange and return of such cars; the Commission is of opinion an emergency requiring immediate action exists in the sections of the country described herein, it is ordered, that:

(a) *Bunker ice restricted.* No common carrier by railroad subject to the Interstate Commerce Act, on refrigerator cars loaded with fresh fruits or fresh or green vegetables consigned or reconsigned to any point located in Canada, or in the United States in the States of Montana, North Dakota, South Dakota, or Minnesota, or east of the Mississippi River and north of the northern boundaries of the States of Tennessee or North Carolina,

¹ 9 F.R. 6319, 8334, 10189, 10634, 11349, 12415, 14937; 10 F.R. 330.

² 10 F.R. 1381.

shall receive such cars at any point in the United States within the above defined territory with more ice than is necessary to bring the ice in each bunker up to, but not above, fifty percent (50%) of that bunker's capacity.

(b) *Retop icing restricted.* No common carrier by railroad subject to the Interstate Commerce Act, on refrigerator cars loaded with fresh fruits or fresh or green vegetables consigned or re-consigned to any point located in Canada, or in the United States in the States of Montana, North Dakota, South Dakota or Minnesota, or east of the Mississippi River and north of the northern boundaries of the States of Tennessee or North Carolina, shall re-top ice such cars at any point in the United States within the above defined territory; nor shall re-top ice such cars at any point or points in the United States not located in the above defined territory with more than a total of five thousand (5,000) pounds of re-top ice.

(c) *Application.* The provisions of this order shall apply to all carload shipments of fresh fruits or fresh or green vegetables billed or in transit on or after the effective date hereof.

(d) *Tariff provisions suspended.* The operation of all tariff rules and regulations insofar as they conflict with the provisions of this order is hereby suspended.

(e) *Announcement of suspension.* Each railroad affected by this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein affected by this order.

(f) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances.

(g) *Effective date.* This order shall become effective at 12:01 a. m., February 14, 1945.

(h) *Expiration date.* This order shall expire at 11:59 p. m., March 20, 1945, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-2537; Filed, Feb. 14, 1945;
10:45 a. m.]

Notices

FEDERAL POWER COMMISSION.

[Docket No. G-619]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

FEBRUARY 12, 1945.

Notice is hereby given that on January 31, 1945, an application was filed with the Federal Power Commission by Panhandle Eastern Pipe Line Company ("Applicant") a Delaware corporation having its principal offices at Kansas City, Missouri, and Chicago, Illinois, and which owns and operates an integrated natural-gas pipeline system situated in the States of Texas, Oklahoma, Kansas, Missouri, Illinois, Indiana, Ohio and Michigan, for the issuance to it of a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following facilities for the transportation and sale for resale of natural gas in foreign commerce:

(1) A 16-inch O. D. pipe line connecting with Applicant's main 22-inch transmission pipe line at its Detroit Regulator Station in the City of Allen Park, Michigan, and extending thence easterly to the right-of-way of the D. & T. S. L. and the Michigan Central Railroad and the D. T. & I. Railroad; thence northeasterly along the D. T. & I. Railroad to Coolidge Avenue in the City of River Rouge, Michigan; thence southeasterly along Coolidge Avenue to the west bank of the Detroit River;

(2) Two parallel 12¾-inch pipe lines connecting with the said proposed 16-inch pipe line, at the west bank of the Detroit River in the City of River Rouge, Michigan, and extending easterly underneath the Detroit River to points of connection with transmission pipe lines of Union Gas Company of Canada, Ltd. ("Canadian Company") at the International boundary line of the United States and Canada;

(3) A double 8-inch high pressure reducing station, with 8-inch regulators, to be installed at or near the point of intersection between Applicant's existing main 22-inch transmission pipe line and the proposed 16-inch pipe line referred to in (1) above, together with necessary piping, valves and other fittings;

(4) A measuring station, to be installed in the vicinity of City Park, on the western bank of the Detroit River, having a 10-inch orifice meter setting, together with necessary piping, valves and other fittings.

The application recites that such facilities are to be used for the exportation and sale by Applicant to the Canadian Company of natural gas which is to be obtained from the Panhandle Field in Texas and the Hugoton Field in southwestern Kansas, western Oklahoma and northwestern Texas; that as of November 25, 1944, Applicant entered into a contract with the Canadian Company whereby Applicant has agreed to sell and deliver to the Canadian Company,

in the spring, summer and fall months of each year during the life of the contract, the following quantities of natural gas:

(a) During each twelve-month period throughout the life of such contract and any renewal or extension thereof, 5,500,000,000 cubic feet;

(b) Such quantities in addition to the foregoing as Applicant, upon specific request of the Canadian Company, may elect to deliver up to, but not exceeding, 15% of the aforementioned quantities;

that the contract specifically provides that Applicant shall be under no obligation to deliver any gas to the Canadian Company during the months of January, February, March and December of each year.

Reference is made to the notice of applications published on January 26, 1945, in Volume 10 of the FEDERAL REGISTER at pages 1056-1057. In the matter of Panhandle Eastern Pipe Line Company, Docket Nos. G-611 and G-612, in which respective proceedings Applicant seeks (1) a Presidential Permit, pursuant to Executive Order No. 8202, for the construction, operation, maintenance and connection at the International boundary of the United States, at and near the City of River Rouge, Michigan, of facilities for the exportation of natural gas to Canada (Docket No. G-611), and (2) an order authorizing it, pursuant to section 3 of the Natural Gas Act, to export natural gas from the United States to Canada (Docket No. G-612).

Any person desiring to be heard or to make any protest with reference to the application in Docket No. G-619 should, on or before the 28th day of February, 1945, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's Provisional rules of practice and regulations under the Natural Gas Act.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-2529; Filed, Feb. 13, 1945;
3:00 p. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 262, Special Permit 1]

REICING OF ORANGES AND GRAPEFRUIT AT CHARLESTON, S. C.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph of Service Order No. 262 of December 18, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 262 insofar as it applies to providing one reicing for 58 carloads of oranges and grapefruit at Charleston, S. C. Such reicing shall be performed before February 13. The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under

the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 10th day of February 1945.

V. C. CLINGER,
Director
Bureau of Service.

[F. R. Doc. 45-2536; Filed, Feb. 14, 1945;
10:45 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 500A-134]

COPYRIGHTS OF JULIUS SPRINGER, GERMAN NATIONAL

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that each and all of the identified persons to whom reference is made in Column 5 of Exhibit A attached hereto and made a part hereof (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and the titles of the works covered by which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are nationals of one or more foreign countries;

2. Determining, therefore, that the property described as follows: All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law

of the United States and of the several States thereof, of each and all of the identified persons to whom reference is made in Column 5 of said Exhibit A, and also of each and all other unidentified individuals who, as of the date of this order, are residents of, and of each and all other unidentified corporations, partnerships, associations or business organizations of any kind or nature which, as of the date of this order, are organized under the laws of, or have their principal places of business in, Germany, Italy, Japan, Bulgaria, Hungary, Rumania and/or any territory occupied by one or more of such six named countries, whether or not such unidentified persons are named elsewhere in this order or in said Exhibit A, in, to and under the following:

a. Each and all of the copyrights, if any, described in said Exhibit A;

b. Every copyright, claim of copyright and right to copyright in each and all of the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of each and all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number;

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing;

d. All monies and amounts, and all right to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

e. All rights of renewal, reversion or re-vesting, if any, in any or all of the foregoing;

f. All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing;

is property payable or held with respect to copyrights, or rights related thereto, in which

interests are held by, and such property constitutes interests held therein by, nationals of one or more foreign countries;

3. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

4. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 2, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Executed at Washington, D. C. on January 3, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1	Column 2	Column 3	Column 4	Column 5
Copyright numbers	Titles of works	Names and last known nationalities of authors	Names and last known addresses of owners of copyrights	Identified persons whose interests are being vested
A for. 29862-----	Einführung in die Sonderstahlkunde. 1935-----	Eduard Hondremont, of Germany (nationality, German).	Julius Springer, Linkstr. 23/24, Berlin W. 9, Germany (nationality, German).	Author and owner.

[F. R. Doc. 45-2509; Filed, Feb. 13, 1945; 11:10 a. m.]

[Vesting Order 500A-135]

COPYRIGHTS OF BIBLIOGRAPHISCHES INSTITUT AG, GERMAN NATIONAL

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that each and all of the identified persons to whom reference is made in Column 5 of Exhibit A attached hereto and made a part hereof (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Ex-

hibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and the titles of the works covered by which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are nationals of one or more foreign countries;

2. Determining, therefore, that the property described as follows: All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of each and all of the identified persons to whom reference is made in Column 5 of said Exhibit A, and also of each and all other unidentified individuals who, as of the date of this order, are residents of, and of each and all other unidentified cor-

porations, partnerships, associations or business organizations of any kind or nature which, as of the date of this order, are organized under the laws of, or have their principal places of business in, Germany, Italy, Japan, Bulgaria, Hungary, Rumania and/or any territory occupied by one or more of such six named countries, whether or not such unidentified persons are named elsewhere in this order or in said Exhibit A, in, to and under the following:

a. Each and all of the copyrights, if any, described in said Exhibit A;

b. Every copyright, claim of copyright and right to copyright in each and all of the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of

each and all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number;

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing;

d. All monies and amounts, and all right to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

e. All rights of renewal, reversion or re-vesting, if any, in any or all of the foregoing;

f. All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing;

is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of one or more foreign countries;

3. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

4. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 2, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and

when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The term "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on January 3, 1945.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1	Column 2	Column 3	Column 4	Column 5
Copyright numbers	Titles of works	Names and last known nationalities of authors	Names and last known addresses of owners of copyrights	Identified persons whose interests are being vested
A for 15440.....	Meyers Blitz-Lexikon. Die Schnellauskunft für Jedermann in Wort und Bild. 1932.	Meyer of Germany (nationality German).	Bibliographisches Institut AG. Leipzig, Germany (nationality German).	Author and owner.

[F. R. Doc. 45-2510; Filed, Feb. 13, 1945; 11:10 a. m.]

[Vesting Order 500A-136]

COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation.

1. Finding that each and all of the identified persons to whom reference is made in Column 5 of Exhibit A attached hereto and made a part hereof (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and the titles of the works covered by which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are nationals of one or more foreign countries;

2. Determining, therefore, that the property described as follows: All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of each and all of the identified persons to whom reference is made in Column 5 of said Exhibit A, and also of each and all other unidentified individuals who, as of the date of this order, are residents of, and of each and all other unidentified corporations, partnerships, associations or business organizations of any kind or nature which, as of the date of this order, are organized under the laws of, or have their principal places of business in, Germany, Italy, Japan, Bulgaria, Hungary, Rumania and/or any territory occupied by one or more of such six named countries, whether or not such unidentified

persons are named elsewhere in this order or in said Exhibit A, in, to and under the following:

a. Each and all of the copyrights, if any, described in said Exhibit A;

b. Every copyright, claim of copyright and right to copyright in each and all of the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of each and all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number;

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing;

d. All monies and amounts, and all right to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

e. All rights of renewal, reversion or re-vesting, if any, in any or all of the foregoing;

f. All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing;

is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of one or more foreign countries;

3. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

4. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 2, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on January 9, 1945.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Column 1	Column 2	Column 3	Column 4	Column 5
Copyright numbers	Titles of works	Names and last known nationalities of authors	Names and last known addresses of owners of copyrights	Identified persons whose interests are being vested
Unknown.....	Zinklegierungen. Patentsammlung. 1. Teil. Lieferung 1-2 Zugleich Anhang zu Zink in Omeling's Handbuch der anorganischen Chemie. 1943.	G. Apel (nationality not established)	Verlag Chemie, Berlin, Germany (nationality German).	Owner.
Unknown.....	Physikalische und chemische Vorgänge bei der Verbrennung im Motor. (Schriften der Deutschen Akademie der Luftfahrtforschung. Hft. 9). 1939.	Walter Boje and Helmut Lehner (nationalities not established).	R. Ollenbourg, München und Berlin, Germany (nationality German).	Owner.
Unknown.....	Untersuchungsverfahren für feste Brennstoffe. 1943 (Sonderdruck aus Handbuch der Gasindustrie. Bd. 5).	Herst Brückner (nationality not established).	R. Ollenbourg, München, Germany (nationality, German).	Owner.
Unknown.....	Laboratoriumsbuch für die Zementindustrie. 1943. (Laboratoriumsbücher für die chemische und verwandte Industrien. Bd. 38).	Kurt Charklus (nationality not established).	Wilhelm Knapp, Halle, Germany, (nationality, German).	Owner.
Unknown.....	Quadratische Gleichungen. 1943.....	Heinrich Dörrie (nationality not established).	R. Ollenbourg, München, Germany, (nationality, German).	Owner.
Unknown.....	Der Stoffhaushalt der Meeres. 1943. (Probleme der kosmischen Physik. Bd. 13).	Kurt Kollo (nationality not established).	Akademische Verlagsgesellschaft, Leipzig, Germany (nationality, German).	Owner.
Unknown.....	Chemotherapie der wichtigsten Tropenkrankheiten. 1943. 1. Teil: Die Chemotherapie der Malaria. (Beiträge zur Arzneimitteltherapie. Bd. 4).	Walter Kikuth and Walter Menk (nationalities not established).	S. Hirzel, Leipzig, Germany (nationality German).	Owner.
Unknown.....	Kolloidchemie des Protoplasmas. 2. erweitert und vollständig umgearbeitete Aufl. 1933. (Wissenschaftl. Forschungsberichte. Naturwissenschaftliche Reihe. Bd. 27).	Vladimir Vasilevich Lepeskin (nationality not established).	T. Steinhopf Dresden, Germany (nationality, German).	Owner.
Unknown.....	Netz-Dispergier- und Waschmittel. Bearbeitet unter Berücksichtigung der Patentliteratur. 3. stark verm. Aufl. 1939.	Franz Müller and Albert van der Werth (nationalities not established).	Allg. Industrie-Verlag, Berlin, Germany (nationality, German).	Owner.
Unknown.....	Spektraldarstellung linearer Transformationen des Hilbertschen Raumes. 1942. (Ergebnisse der Mathematik und ihrer Grenzgebiete. Bd. 5, Hft. 5).	Bela von Sz. Nagy (nationality not established).	Julius Springer, Berlin, Germany (nationality, German).	Owner.
Unknown.....	Werkstoffzerstörung durch Kavitation. Untersuchungen am Schwinggerät. 1942.....	Hans Nowotny (nationality not established).	V. D. I. Verlag, Berlin, Germany (nationality, German).	Owner.
Unknown.....	Chemische Spektralanalyse. 3. verb. Aufl. 1944.....	Wolfgang Seith and Konrad Ruthardt (nationalities not established).	Julius Springer, Berlin, Germany (nationality, German).	Owner.
Unknown.....	Zur Viskosimetrie. Anhang: Umwandlungstabellen für Viskositätszahlen. 4. und 5. verb. Aufl. 1943.	Leo Ubbelohde (nationality not established).	S. Hirzel, Leipzig, Germany (nationality, German).	Owner.
A For. 1873.....	Lehrbuch der Kristallphysik. 1928. (Teubners Sammlung von Lehrbüchern auf dem Gebiete der mathematischen Wissenschaften mit Einschluss ihrer Anwendungen. Bd. 34).	Woldemar Voigt (nationality not established).	B. G. Teubner, Leipzig, Germany (nationality, German).	Owner.
Unknown.....	Schweißen der Eisenwerkstoffe. 1943. (Stahleisen-Bücher. Bd. 6).	Karl Ludwig Zeyen and Wilhelm Lehmann (nationalities not established).	Verlag Stahlisen, Düsseldorf, Germany (nationality, German).	Owner.
A For. 4840, 8386.....	Einführung in die theoretische Physik. 1929-37. 3 vols. in 4.	Clemens Schaefer (nationality, not established).	Walter de Gruyter, Berlin, Germany (nationality, German).	Owner.

[F. R. Doc. 45-2511; Filed, Feb. 13, 1945; 11:10 a. m.]

[Vesting Order 500A-137]

COPYRIGHTS OF JULIUS SPRINGER AND R. OLDENBOURG, GERMAN NATIONALS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that each and all of the identified persons to whom reference is made in Column 5 of Exhibit A attached hereto and made a part hereof (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and the titles of the works covered by which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are nationals of one or more foreign countries;

2. Determining, therefore, that the property described as follows: All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of each and all of the identified persons to whom reference is made in Column 5 of said Exhibit A, and also of each and all other unidentified individuals who, as of the date of this order, are residents of, and of

each and all other unidentified corporations, partnerships, associations or business organizations of any kind or nature which, as of the date of this order, are organized under the laws of, or have their principal places of business in, Germany, Italy, Japan, Bulgaria, Hungary, Rumania and/or any territory occupied by one or more of such six named countries, whether or not such unidentified persons are named elsewhere in this order or in said Exhibit A, in, to and under the following:

a. Each and all of the copyrights, if any, described in said Exhibit A;

b. Every copyright, claim of copyright and right to copyright in each and all of the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of each and all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number;

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to any or all of the foregoing;

d. All monies and amounts, and all right to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to any or all of the foregoing;

e. All rights of renewal, reversion or re-vesting, if any, in any or all of the foregoing;

f. All causes of action accrued or to accrue at law or in equity with respect to any or all of the foregoing, including but not limited to the right to sue for and recover all damages and profits and to ask and receive any and all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting any or all of the foregoing;

is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of one or more foreign countries;

3. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

4. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 2, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and

when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a re-

quest for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on January 18, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A				
Column 1	Column 2	Column 3	Column 4	Column 5
Copyright numbers	Titles of works	Names and last known nationalities of authors	Names and last known addresses of owners of copyrights	Identified persons whose interests are being vested
Unknown.....	Handbuch der wissenschaftlichen und angewandten Photographie. vol. 2: Pritschow, Karl. Die Photographische Kamera und ihr Zubehor. 1931.	Unknown.....	Julius Springer, Wien, Germany (nationality, German).	Owner.
A for 6043.....	Wege zur Raumschiffahrt. 3. Aufl. von "Die Rakete zu den Planetenräumen." 1929.	Hermann Oberth (nationality not established).	R. Oldenbourg, München, Germany (nationality, German).	Owner.
Unknown.....	Raketen-Flugtechnik. 1933.....	Eugen Sänger (nationality not established).	R. Oldenbourg, München und Berlin, Germany (nationality, German).	Owner.

[F. R. Doc. 45-2512; Filed, Feb. 13, 1945; 11:11 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT B-45, Revocation]
COMMON CARRIERS
COORDINATED OPERATIONS BETWEEN GREENVILLE, PA. (SHENANGO PERSONNEL REPLACEMENT DEPOT) AND YOUNGSTOWN, OHIO

Upon consideration of an application for revocation of Special Order ODT B-45, filed with the Office of Defense Transportation, December 18, 1944, by the Penn-Ohio Coach Lines Company and concurred-in by the West Ridge Transportation Company, parties subject to said special order, and good cause appearing therefor,
It is hereby ordered, That Special Order ODT B-45, be, and it hereby is, revoked.

Issued at Washington, D. C., this 14th day of February 1945.

J. M. JOHNSON,
Director
Office of Defense Transportation.
[F. R. Doc. 45-2523; Filed, February 13, 1945; 2:11 p. m.]

[Supp. Order ODT 3, Rev. 540]
COMMON CARRIERS
COORDINATED OPERATIONS BETWEEN POINTS IN TEXAS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778) a copy of which plan is attached hereto as Appendix 2,¹ and
It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of

necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, It is hereby ordered, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith:

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier

forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective February 19, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier

¹ Filed as part of the original document.

time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 14th day of February 1945.

J. M. JOHNSON,
Director

Office of Defense Transportation.

APPENDIX 1

Central Freight Lines, Inc., Waco, Tex.
W. A. Johnson, doing business as Johnson Motor Lines, operator of Johnson Transport Co., Inc., Fort Worth, Tex.

[F. R. Doc. 45-2524; Filed, Feb. 13, 1945; 2:11 p. m.]

[Supp. Order ODT 3, Rev. 541]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN MARYLAND

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778) a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

¹ Filed as part of the original document.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective February 19, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 14th day of February 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Tidewater Express Lines, Inc., Baltimore, Md.

Otto Beall, doing business as Beall's Express, Thurmont, Md.

[F. R. Doc. 45-2525; Filed, Feb. 13, 1945; 2:11 p. m.]

[Supp. Order ODT 3, Rev. 542]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN NEW YORK CITY, AND LONG ISLAND, N. Y.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778) a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such

plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective February 19, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 14th day of February 1945.

J. M. JOHNSON,
Director

Office of Defense Transportation.

APPENDIX 1

Long Island Delivery Co., Inc., Hewlett, Long Island, N. Y.

Hymans' N. Y. & L. I. Express, Inc., Jamaica, N. Y.

Ernest W. Moring and Willfred S. Stewart, copartners, doing business as Moring's Long Island Express, Rockville Center, N. Y.

Adolph's Trucking Company, Inc., New York, N. Y.

Dispatch Motor Express, Inc., New York, N. Y.

Russell's Express, Inc., New York, N. Y.

Albert Brezner, Lewis Brezner, Harry Brezner, and Harry L. Abend, copartners, doing business as Al's Auto Express, New York, N. Y.

Alexander Kmeth, doing business as Kmeth Long Island Delivery Service, New York, N. Y.
Jacobson Bros., Inc., New York, N. Y.
United States Trucking Corporation, New York, N. Y.
Cambels Trucking Company, Inc., Brooklyn, N. Y.

[F. R. Doc. 45-2526; Filed, Feb. 13, 1945; 2:11 p. m.]

[Supp. Order ODT 3, Rev. 543]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN NEW YORK, N. Y., POINTS AND PLACES IN NEW JERSEY AND BALTIMORE, MD.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778) a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transporta-

tion capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carrier's possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective February 19, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 14th day of February 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Service Transportation Co., Secaucus, New Jersey.

George Lehr, Baltimore, Maryland.

[F. R. Doc. 45-2527; Filed, Feb. 13, 1945; 2:11 p. m.]

¹ Filed as part of the original document.

[Supp. Order ODT 3, Rev. 546]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN DALLAS
AND PALESTINE, TEX.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778) a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized

under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective February 19, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

THE BRULE SMOKELESS COAL CO., 1263 HANNA BLDG., CLEVELAND 15, OHIO, BRULE #3 MINE, POCAHONTAS #3 SEAM, MINE INDEX NO. 1048, WYOMING COUNTY, W. VA., SUBDISTRICT 6, RAIL SHIPPING POINT: OTSEGO, W. VA., DEEP MINE

	Size group Nos.									
	1	2	3	4	5	6	7	8	9	10
Price classification.....	D	D	C	A	A	B	B	B	B	B
Rail shipment.....	339	339	430	335	345	330	320	320	315	310
Truck shipment.....	455	335	415	330	335	320				

FRANK DALTON, NEW RICHMOND, W. VA., DALTON MINE, POCAHONTAS #3 SEAM, MINE INDEX NO. 1051, WYOMING COUNTY, W. VA., SUBDISTRICT 6, RAIL SHIPPING POINT: MULLENS, W. VA., DEEP MINE

	1	2	3	4	5	6	7	8	9	10
Price classification.....	D	D	C	A	A	B	B	B	B	B
Rail shipment.....	339	339	430	335	345	330	320	320	315	310
Truck shipment.....	455	335	415	330	335	320				

¹ Filed as part of the original document.

Issued at Washington, D. C., this 14th day of February 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

English Freight Co., Dallas, Tex.
H. E. English, doing business as Red Ball
Motor Freight Lines, Dallas, Tex.

[F. R. Dec. 45-2523; Filed, Feb. 13, 1945;
2:12 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 120, Order 1231]

BRULE SMOKELESS COAL CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND
PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 7. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for the rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.218 and all other provisions of Maximum Price Regulation No. 120.

This order shall become effective February 14 1945

(56 Stat 23 765 57 Stat 566: Pub Law 383 78th Cong; EO 9250 7 F R 7871; EO 9328 8 F R 4681)

Issued this 13th day of February 1945

JAMES F BROWNLEE
Acting Administrator

[F R Doc 45-2501; Filed Feb 13 1945; 11:07 a m]

[MPR 120 Order 1282]

BROWNING BROTHERS

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an opinion issued simultaneously herewith and

	Size group Nos											
	1	2	3	4	5	6	7	8	9	10	11	12
Truck shipment	345	300	255	245	260	210	235	225	230	145	180	165
	13	14	15	16	17	18	19	20	21	22	23	24
	25	26	27	28	29	30	31	32	33	34		

(c) All prayers of applicant not granted herein are hereby denied
(d) This order may be revoked or amended at any time

(e) Except as specifically provided in this order the provisions of Maximum Price Regulation No 120 governing the sale of bituminous coal shall remain in effect

This order shall become effective February 14 1945

Issued this 13th day of February 1945

JAMES F BROWNLEE
Acting Administrator

[F R Doc 45-2502; Filed Feb 13 1945; 11:07 a m]

[MPR 120 Order 1283]

EASTERN OKLAHOMA COAL CO ET AL

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion and in accordance with \$ 1340 210 (a) (6) of Maximum Price Regulation No 120; It is ordered:

Producers identified herein operate named mines assigned the mine index

L. A. FOLEY, (P. O. Address—Rhodesville W. Va.), c/o Minter Fuel Co., Beckley, W. Va., FOLEY MINE, POCA HONTAS/SEAM, MINE INDEX NO 1030 RALEIGH COUNTY W VA SUBDISTRICT 5 RAIL SHIPPING POINT: FRANCIS W VA DEEP MINE

	Size group Nos									
	1	2	3	4	5	6	7	8	9	10
Price classification	D	D	C	A	A	B	B	B	B	B
Rail shipment...	380	390	400	355	345	330	350	320	315	310
Truck shipment	405	395	415	360	335	330				

Railroad locomotive fuel: For the following Mine Index Nos 1048 1051 and 1050:

Any single screened lump or double screened coals
Run of mine...
Screenings larger than 1 1/4" x 0 but not exceeding 2 1/2" x 0
Screenings 1 1/4" x 0 and smaller

LANARK COALS INC, Box 162 Mt Hope, W. Va., LANARK #3 MINE, BECKLEY SEAM, MINE INDEX NO 1047 RALEIGH COUNTY W VA SUBDISTRICT 2 RAIL SHIPPING POINT: LANARK W VA DEEP MINE

	Size group Nos									
	1	2	3	4	5	6	7	8	9	10
Price classification	A	A	A	A	A	A	A	B	B	B
Rail shipment...	435	445	410	355	345	330	350	320	315	310
Truck shipment	465	385	415	350	335	330				

LILLYBROOK COAL CO BECKLEY, W. Va., Big Stick #2 MINE, BECKLEY SEAM, MINE INDEX NO. 1052 RALEIGH COUNTY, W VA SUBDISTRICT 5 RAIL SHIPPING POINT: ARNEY W VA DEEP MINE

	Size group Nos									
	1	2	3	4	5	6	7	8	9	10
Price classification	B	B	A	A	A	B	B	A	A	A
Rail shipment...	395	405	410	355	345	330	350	320	315	310
Truck shipment...	465	385	415	350	335	330				

OSBORNE COAL CO, % ICE OSBORNE, BANDY, VA., OSBORNE MINE, EDGE SEAM, MINE INDEX NO 1045 TAZE WELL COUNTY, VA SUBDISTRICT 4 RAIL SHIPPING POINT: BANDY VA DEEP MINE

	Size group Nos									
	1	2	3	4	5	6	7	8	9	10
Price classification	B	B	A	A	A	B	B	O	O	O
Rail shipment...	395	405	410	355	345	330	350	315	310	
Truck shipment...	465	385	415	350	335	330				

Railroad locomotive fuel: For the following mine index Nos 1047 1052 and 1045:

Any single-screened lump or double-screened coals
Run of mine...
Screenings larger than 1 1/4" x 0 but not exceeding 2 1/2" x 0
Screenings 1 1/4" x 0 and smaller

SPARKS COAL CO, DAYV, W VA, SPARKS MINE, DAYV-SEWELL SEAM, MINE INDEX NO. 1049, McDOWELL COUNTY W VA, SUBDISTRICT 4 RAIL SHIPPING POINT: DAYV W VA DEEP MINE

	Size group Nos									
	1	2	3	4	5	6	7	8	9	10
Price classification	D	D	C	A	A	B	B	D	D	D
Rail shipment...	380	390	400	355	345	330	350	320	315	310
Truck shipment...	465	385	415	350	335	330				

SPICE POCAHONTAS COAL CO, Box 350 Welch, W. Va., KEESSE #2 MINE, WAR CREEK SEAM, MINE INDEX NO 1045, McDOWELL COUNTY W VA, SUBDISTRICT 4 RAIL SHIPPING POINT: ROBERTFIELD, W VA DEEP MINE

	Size group Nos									
	1	2	3	4	5	6	7	8	9	10
Price classification	D	D	D	D	E	E	D	H	H	H
Rail shipment...	380	390	390	330	355	330	350	320	295	290
Truck shipment...	465	385	415	350	335	330				

Railroad locomotive fuel: For the following Mine Index Nos 1049 and 1042:

Any single-screened lump or double-screened coals
Run of mine...
Screenings larger than 1 1/4" x 0 but not exceeding 2 1/2" x 0
Screenings 1 1/4" x 0 and smaller

EASTERN OKLAHOMA COAL CO., BOX #22, WILBURTON OKLA., No. 2 MINE, LOWER HARTSHORNE SEAM, MINE INDEX No. 2030 LATIMER COUNTY OKLA. PROD GROUP No. 8 RAIL SHIPPING POINT: WILBURTON OKLA. DEEP MINE

	Size group Nos						
	1 2 3	4	6	8	0	10	14
All methods of shipment, and all uses except railroad locomotive fuel	500	510	400	335	420	225	100

Railroad locomotive fuel: Applicable to any size

ELMER ELLIS COAL CO. RICH HILL, MO., ELMER ELLIS COAL CO., MINE, FIRST AND SECOND SEAMS, MINE INDEX No. 2020 VERNON COUNTY MO., PROD GROUP No. 2 STRIP MINE

	Size group Nos						
	1 2 3 4	5	6	7	8	0	10 11 12 13 14 15
Truck shipment	325	300	285	270	205	285	200 245 225 110

J & M CONSTRUCTION CO., c/o J. M. WERLING, WARRENSBURG, MO., J. & M. CONSTRUCTION CO., MINE, UNNAMED SEAM, MINE INDEX No. 2027 JOHNSON COUNTY, MO. PROD GROUP No. 2, STRIP MINE

Truck shipment	325	300	285	270	205	235	200 245 225 110
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THE KANSAS COAL CO., W. HILL, KANSAS, KANS. COAL CO., #27 MINE, CHENOWETH SEAM, MINE INDEX No. 2023 CHENOWETH COUNTY KANS. PROD GROUP No. 1 RAIL SHIPPING POINT: TUNICA, KANS., STRIP MINE

	Size group Nos						
	1 2 3	4	5	6	7	8	0 10 11 12 13 14 15
Rail shipment, Truck shipment	320 335	320 325	305 310	275 285	270 275	270 275	245 270 225 210 140 110

Railroad locomotive fuel:
30" x 16" unwashed coal
24" x 16" unwashed coal
14" x 14" unwashed coal
All Other sizes unwashed coal

THE MCQUAY COAL CO., INC., 924 EAST 7TH ST., PITTSBURG, KANS., No. 1 MINE, CHENOWETH SEAM, MINE INDEX No. 2022 CHAWFORD COUNTY, KANS., PROD GROUP 1 RAIL SHIPPING POINT: CENSILL, KANS. DEEP MINE

	Size group Nos						
	1 2 3	4	5	6	7	8	0 10 11 12 13 14 15
Rail and truck shipment	335	335	300	345	330	335	330 295 290 270 160 320

Railroad locomotive fuel: Applicable to any size coal --

This order shall become effective February 14, 1945

(56 Stat. 23, 765; 57 Stat. 506; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7671; E.O. 9326, 8 F.R. 4081)

Issued this 13th day of February 1945

JAMES F. BROWNLEE,
Acting Administrator

[F R Dec 45-2503; filed, Feb 13, 1945; 11:07 a.m.]

Oaktown, Indiana are hereby assigned Mine Index Nos. 2019 and 2020 respectively, and the coals of the No. 6 Mine are classified in Maximum Rail Price Group No. 18 and Maximum Truck Price Group No. 5; and the coals of the No. 7 Mine are classified in Maximum Rail Price Group No. 9 and in Maximum Truck Price Group No. 2

(b) Coals produced by Green Coal

No. 6 MINE, MINE INDEX No. 2019

	Size group Nos						
	1 2 3	4 5 6 8	7	9 10 11 12 13 14 15 16 17 18 19 20 21 22	23 24 25 26 27 28 29 30 31	32	33 34
Rail shipment, Truck shipment	205 345	240 300	200 245	215 245	180 205 210 235	140 175 160 145 180	105 105 110 115 170

RAILROAD LOCOMOTIVE FUEL

Mine run, modified mine run and all lump and all double screened coals.----- 240

Screenings top size not exceeding 2"----- 185

No. 7 MINE, MINE INDEX No. 2020

	Size group Nos						
	1 2 3	4 5 6 8	7	9 10 11 12 13 14 15 16 17 18 19 20 21 22	23 24 25 26 27 28 29 30 31	32	33 34
Rail shipment, Truck shipment	210 320	210 325	200 245	215 245	180 205 210 235	140 175 160 145 180	105 105 110 115 170

RAILROAD LOCOMOTIVE FUEL

Mine run, modified mine run and all lump and all double screened coals.--- 240
Screenings top size not exceeding 3"--- 185

(c) The prices established herein are for the mine or preparation plant for truck shipments, and f. o. b. the rail shipping point for rail shipments and for railroad locomotive fuel

(d) All prayers of applicant not granted herein are hereby denied

(e) This order may be revoked or amended at any time

(f) Unless the context requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein

This order shall become effective February 14, 1945

Issued this 13th day of February 1945

JAMES F. BROWNLEE,
Acting Administrator

[F R Dec 45-2504; filed, Feb 13, 1945; 11:08 a.m.]

[MPR 120, Order 1285]

MARCEL ALVAREZ, ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; It is ordered:

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 3. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment.

ment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.214 and all other provisions of Maximum Price Regulation No. 120.

MANUEL ALVAREZ, BOX #125 MEADOWBROOK W. VA., LAMBERTS RUN #2 MINE, PITTSBURGH SEAM, MINE INDEX No. 2099, HARRISON COUNTY, W. VA., RAIL SHIPPING POINT, MEADOWBROOK, W. VA., DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 3

	Size group Nos.				
	1	2	3	4	5
Price classification.....	F	F	F	F	F
Rail shipment and railroad fuel.....	275	275	260	250	240
Truck shipment.....	310	310	285	275	265

BRETZ FUEL CO., BOX 386, MORGANTOWN, W. VA., MARGARET MINE, M. V. FREEPORT SEAM, MINE INDEX No. 2075, PRESTON COUNTY, W. VA., RAIL SHIPPING POINT, ALBRIGHT, W. VA., DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 3

	J	J	J	J	J
Price classification.....	J	J	J	J	J
Rail shipment and railroad fuel.....	300	300	290	285	285
Truck shipment.....	310	310	285	275	265

J. E. EMERSON, ROUTE #1, BRISTOL, W. VA., FLANNAGAN MINE, PITTSBURGH SEAM, MINE INDEX No. 2104, HARRISON COUNTY, W. VA., RAIL SHIPPING POINT, WOLF SUMMIT, W. VA., DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 3

	F	F	F	F	F
Price classification.....	F	F	F	F	F
Rail shipment and railroad fuel.....	275	275	260	250	240
Truck shipment.....	310	310	285	275	265

W. C., C. A., J. W. GIBSON, R. F. D. #1, FAIRMONT, W. VA., GIBSON MINE, PITTSBURGH SEAM, MINE INDEX No. 2103, MARION COUNTY, W. VA., RAIL SHIPPING POINT, KINGMONT, W. VA., DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 3

	DE	DE	DE	DF	DF
Price classification.....	DE	DE	DE	DF	DF
Rail and river shipment and railroad fuel.....	285	280	270	250	240
Truck shipment.....	310	310	285	275	265

O. H. GROVES & Co., 406 UNION BANK BLDG., CLARKSBURG, W. VA., MILLIE #1 MINE, PITTSBURGH SEAM, MINE INDEX No. 2100, HARRISON COUNTY, W. VA., RAIL SHIPPING POINT, LOST CREEK, W. VA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP No. 3

	F	F	F	F	F
Price classification.....	F	F	F	F	F
Rail shipment and railroad fuel.....	275	275	260	250	240
Truck shipment.....	310	310	285	275	265

MILLER COAL CO., % S. M. MILLER, ROUTE #1, BUCKHANNON, W. VA., No. 7 MINE, REDSTONE SEAM, MINE INDEX No. 2106, UPSHUR COUNTY, W. VA., RAIL SHIPPING POINT, BUCKHANNON, W. VA., DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 3

	F	F	H	F	F
Price classification.....	F	F	H	F	F
Rail shipment and railroad fuel.....	275	275	250	250	240
Truck shipment.....	310	310	285	275	265

¹ If the sulphur content is 1.35% or less the applicable maximum price for rail or river shipments including railroad fuel, for Size Group No. 4 is 265 and for Size Group No. 5 is 250.

NICHOLAS COAL CO., c/o R. DAYNE HALBRITTER, KINGWOOD, W. VA., NICHOLAS MINE, BAKERSTOWN SEAM, MINE INDEX No. 2107, PRESTON COUNTY, W. VA., RAIL SHIPPING POINT, NEWBURG, W. VA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP No. 3

	Size group Nos.				
	1	2	3	4	5
Price classification.....	G	G	G	G	G
Rail shipment and railroad fuel.....	300	300	290	285	285
Truck shipment.....	310	310	285	275	265

SHEBAN MINE CO., REALTY BLDG., YOUNGSTOWN, OHIO, SHEBAN MINING CO. MINE, PITTSBURGH SEAM, MINE INDEX No. 2101, MARION COUNTY, W. VA., RAIL SHIPPING POINT, KINGMONT, W. VA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP No. 3

	F	F	F	F	F
Price classification.....	F	F	F	F	F
Rail and river shipment and railroad fuel.....	275	275	260	250	240
Truck shipment.....	310	310	285	275	265

WHITE & FREDERICK COAL CO., UNION TRUST BLDG., UNIONTOWN, PA., WHITE & FREDERICK MINE, PITTSBURGH SEAM, MINE INDEX No. 2108, HARRISON COUNTY, W. VA., RAIL SHIPPING POINT, MEADOWBROOK, W. VA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP No. 3

	F	F	F	F	F
Price classification.....	F	F	F	F	F
Rail shipment and railroad fuel.....	275	275	260	250	240
Truck shipment.....	310	310	285	275	265

WINCHESTER COAL CO., c/o CHAS. E. POTTER, 9 SUNSET DR., FAIRMONT, W. VA., WINCHESTER #5 MINE, PITTSBURGH SEAM, MINE INDEX No. 2102, HARRISON COUNTY, W. VA., RAIL SHIPPING POINT, LOUISE, W. VA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP No. 3

	F	F	F	F	F
Price classification.....	F	F	F	F	F
Rail shipment and railroad fuel.....	275	275	260	250	240
Truck shipment.....	310	310	285	275	265

NOTE: The Size Group numbers referred to herein for rail shipments and for railroad fuel are those described in the table of prices in amendment No. 95 to Maximum Price Regulation No. 120, and for truck shipments as described in the table of prices in amendment No. 106 to Maximum Price Regulation No. 120.

This order shall become effective February 14, 1945.

SALT LICK COAL CO., NEW LEXINGTON, OHIO, SALT LICK #1 MINE, No. 6 SEAM, MINE INDEX No. 4003, PERRY COUNTY, OHIO, SUBDISTRICT 5, STRIP MINE, PRICE CLASSIFICATION: FREIGHT ORIGIN DISTRICT HOCKING, RAILROAD FUEL PRICE GROUP No. 102, RAIL SHIPPING POINT: SHAWNEE, OHIO

	Size group Nos.											
	1	2	3	4	5	6	7	8	9	10	11	12
Rail shipment and railroad fuel.....	350	345	305	305	305	275	255	245	275	245	-----	275
Truck shipment.....	365	355	345	320	315	265	230	220	-----	-----	-----	-----

MATHENY COAL CO., c/o RALPH MATHENY, BOX 637, SUGAR GROVE, OHIO, MATHENY COAL CO. MINE, No. 7 SEAM, MINE INDEX No. 4112, ATHENS COUNTY, OHIO, SUBDISTRICT 5, STRIP MINE, PRICE CLASSIFICATION: FREIGHT ORIGIN DISTRICT HOCKING, RAILROAD FUEL PRICE GROUP No. 104, RAIL SHIPPING POINT: MURRAY CITY, OHIO

	350	345	305	305	305	275	255	245	275	245	-----	275
Rail shipment and railroad fuel.....	350	345	305	305	305	275	255	245	275	245	-----	275
Truck shipment.....	365	355	345	320	315	265	230	220	-----	-----	-----	-----

THE PEACOCK COAL CO., POMEROY, OHIO, LUCKY #2 MINE, No. 8 SEAM, MINE INDEX No. 4033, MEigs COUNTY, OHIO, SUBDISTRICT 8, DEEP MINE, PRICE CLASSIFICATION: FREIGHT ORIGIN DISTRICT POMEROY, RAILROAD FUEL PRICE GROUP No. 110, RAIL SHIPPING POINT: RUTLAND, OHIO

	335	325	285	285	285	275	245	245	250	-----	250
Rail shipment.....	335	325	285	285	285	275	245	245	250	-----	250
Railroad fuel.....	335	325	285	285	285	275	245	245	250	-----	250
Truck shipment.....	360	370	360	335	330	265	205	205	-----	-----	-----

(56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 13th day of February 1945.

JAMES F. BROWNLEE,
Acting Administrator

[F. R. Doc. 45-2505; Filed, Feb. 13, 1945; 11:08 a. m.]

[MPR 120, Order 1286]

SALT LICK COAL CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; It is ordered.

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 4. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.215 and all other provisions of Maximum Price Regulation No. 120.

II N ARMSTRONG, SR., BOX 1 INDIAN, VA., ARMSTRONG MINE, RED ASH SEAM, MINE INDEX NO. 7200, LAZEWELL COUNTY, VA., SUBDISTRICT 0 DEEP MINE MAXIMUM TRUCK PRICE GROUP NO. 6

	Size group Nos									
	1	2	3	4	5	6	7	8	9	10
Truck shipment	435	435	430	380	410	345	285			

BLACK BETSEY COALS, INC., 412 DAVIDSON BLDG., CHARLESTON, W. VA., BLACK BETSEY MINE, PITTSBURGH #3 SEAM, MINE INDEX NO. 7285, PUTNAM COUNTY, W. VA., SUBDISTRICT 4 DEEP MINE MAXIMUM TRUCK PRICE GROUP NO. 5

	Size group Nos									
	1	2	3	4	5	6	7	8	9	10
Truck shipment	380	360	335	320	295	260	255			

BROOKS COAL CO., ROUTE #1, CORBIN, VA., BROOKS #2 MINE, JAWHORE SEAM, MINE INDEX NO. 7308, WISE COUNTY, VA., SUBDISTRICT 7 RAIL SHIPPING POINT CARMAX VA. F O G DEEP MINE MAXIMUM TRUCK PRICE GROUP NO. 8

	Size group Nos									
	1	2	3	4	5	6	7	8	9	10
Price classification Rail shipment and railroad fuel Truck shipment	M 350 350	M 350 350	M 345 335	M 345 335	K 345 335	K 345 335	J 345 335	F 345 335	D 345 335	K 345 335

ISLAND COKE CO., INC., 15-A MINE, EAGLE SEAM, MINE INDEX NO. 7321, LOGAN COUNTY, W. VA., SUBDISTRICT 3 RAIL SHIPPING POINT, HENDER, W. VA., F O G DEEP MINE

	Size group Nos									
	1	2	3	4	5	6	7	8	9	10
Price classification Rail shipment and railroad fuel Truck shipment	() () ()	() () ()	() () ()	() () ()	() () ()	() () ()	() () ()	() () ()	() () ()	() () ()

1 Previously established

MILES & PARKS COAL CO., ST. CHARLES, VA., MILES & PARKS MINE No. 3 SEAM, MINE INDEX NO. 7360, LEE COUNTY, VA., SUBDISTRICT 7 RAIL SHIPPING POINT, PENN. LEE, VA., AND ST. CHARLES, VA. F O G DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

	Size group Nos									
	1	2	3	4	5	6	7	8	9	10
Price classification Rail shipment and railroad fuel Truck shipment	M 350 350	M 345 335	M 345 335	M 345 335	K 345 335	K 345 335	J 345 335	F 345 335	D 345 335	K 345 335

THE PRACOCK COAL CO., POWEROY, OHIO, LUCKY #1 MINE, No. 8 SEAM, MINE INDEX NO. 4084, MEIGS COUNTY, OHIO, SUBDISTRICT 8 DEEP MINE, PRICE CLASSIFICATION: FREIGHT ORIGIN DISTRICT POWEROY RAILROAD FUEL PRICE GROUP NO. 110 RAIL SHIPPING POINT: RUTLAND OHIO

	Size group Nos											
	1	2	3	4	5	6	7	8	9	10	11	12
Rail shipment	335	325	285	285	285	275	245	245	250			250
Railroad fuel....	335	325	285	285	285	275	245	245	250			270
Truck shipment	380	370	300	335	330	305	205	205				

OAKHILL COAL CO., 144 UNION COMMERCE BLDG., CLEVELAND, OHIO, OAKHILL #1 MINE, No. 8 SEAM, MINE INDEX NO. 4116, COLUMBIANA COUNTY, OHIO, SUBDISTRICT 4 STRIP MINE, PRICE CLASSIFICATION: FREIGHT ORIGIN DISTRICT MIDDLE, RAILROAD FUEL PRICE GROUP NO. 113 RAIL SHIPPING POINT: BLISSFIELD OHIO

	Size group Nos									
	1	2	3	4	5	6	7	8	9	10
Rail shipment and railroad fuel Truck shipment	330 305	325 305	300 345	295 320	290 315	280 255	260 230	240 220	230 220	235

MICHAEL BERNHARDT, 1832 CLEVELAND AVE. SW, CANTON 6, OHIO, GOULD #1 MINE, No. 8 SEAM, MINE INDEX NO. 4117, JEFFERSON COUNTY, OHIO, SUBDISTRICT 1 STRIP MINE, PRICE CLASSIFICATION: FREIGHT ORIGIN DISTRICT OHIO #3 RAILROAD FUEL PRICE GROUP NO. 113 RAIL SHIPPING POINT: GOULD STATION (Mingo Junction) OHIO

	Size group Nos									
	1	2	3	4	5	6	7	8	9	10
Rail shipment	310	305	275	275	270	260	235	225	200	210
Railroad fuel....	275	275	275	275	270	260	230	220	235	220
Truck shipment	350	350	335	310	305	280	255	245		

This order shall become effective February 14, 1945

(56 Stat. 23 765, 57 Stat. 569; Pub. Law 383, 78th Cong.; EO 9250, 7 F.R. 7871; EO 9328, 8 F.R. 4681)

Issued this 13th day of February 1945

JAMES F. BROWLIE,
Acting Administrator
[F. R. Dec 45-2506; Filed Feb 13, 1945;
11:08 a.m.]

[MFR 120 Order 1287]

H. N. ARMSTRONG, SR., ET AL
ESTABLISHMENT OF MAXIMUM PRICES AND
PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340 210 (a) (6) of Maximum Price Regulation No. 120; It is ordered:

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as

set forth herein. All are in District No. 8. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton of b the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton of b rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton of b river shipping point. However, producer is subject to the provisions of § 1340 210 and all other provisions of Maximum Price Regulation No. 120.

MILLER & DAVIS COAL CO., JACKSON, KY., MILLER & DAVIS #3 MINE, HAZARD #4 SEAM, MINE INDEX No. 7290, Breathitt County, Ky., SUBDISTRICT 3, RAIL SHIPPING POINT, JACKSON, KY., F. O. G. 100, DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 5

	Size group Nos.														
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18	19	20, 21	
Price classification.....	M	M	M	M	N	N	M	K	H	K	-F	M	M	M	
Rail shipment.....	350	350	345	345	320	315	310	295	295	340	295	265	260	255	
Railroad fuel.....	350	350	345	345	320	315	310	310	310	340	295	265	260	255	
Truck shipment.....	380	360	335	335	320	295	260	255							

RICHARDSON MINING CO., 1911 WASHINGTON AVE., HUNTINGTON, W. VA., RICHARDSON MINE, No. 5 BLOCK SEAM, MINE INDEX No. 7297, WAYNE COUNTY, W. VA., SUBDISTRICT 8, RAIL SHIPPING POINT, EAST LYNN, W. VA., F. O. G. 130, DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 5

	Q	Q	Q	Q	O	O	L	L	J	L	G	M	M	M		
Price classification.....	Q	Q	Q	Q	O	O	L	L	J	L	G	M	M	M		
Rail shipment.....	330	325	320	320	310	300	310	295	290	340	295	265	260	255		
Railroad fuel.....	330	325	320	320	310	310	310	310	310	340	295	265	260	255		
Truck shipment.....	380	360	335	335	320	295	260	255								

WOOTEN COAL CO., WOOTEN, KY., WOOTEN MINE, HAZARD #4 SEAM, MINE INDEX No. 7281, LESLIE COUNTY, KY., SUBDISTRICT 6, RAIL SHIPPING POINT, COMBS, KY., F. O. G. 100, DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 5

	K	K	K	K	J	J	H	G	E	G	D	K	K	K		
Price classification.....	K	K	K	K	J	J	H	G	E	G	D	K	K	K		
Rail shipment and railroad fuel.....	380	375	365	365	360	350	330	325	325	360	315	300	295	295		
Truck shipment.....	380	360	335	335	320	295	260	255								

This order shall become effective February 14, 1945.

(56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 13th day of February 1945.

JAMES F. BROWNLEE,
Acting Administrator

[F. R. Doc. 45-2507; Filed, Feb. 13, 1945;
11:09 a. m.]

[MPR 136, Order 406]

T. L. SMITH CO.

DETERMINATION OF MAXIMUM PRICES

Order No. 406 under Maximum Price Regulation 136, as amended. Machines and parts, and machinery services. The T. L. Smith Company. Docket No. 6083-136.25a-154.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1390.25a of Maximum Price Regulation 136, as amended; *It is ordered:*

(a) The maximum prices for sales by The T. L. Smith Company, Milwaukee, Wisconsin, of the machines listed below shall be determined as follows: The manufacturer shall deduct from the following list prices all discounts, allowances and other deductions that he had in effect to a purchaser of the same class on October 1, 1941.

<i>Machine</i>		
3½-S Model 386 Smith tilting mixer with feed chute:		
Code:	List price	
Abate.....	\$230.00	
Abbey.....	312.00	
Abyss.....	312.00	
Acorn.....	347.00	
14-S Smith non-tilting mixer Model 385 on trucks with charging chute, automatic steering spring mounted axles:		
Code:		
Label.....	1,261.00	
Labor.....	1,726.00	
Lucky.....	1,775.00	
Ladle.....	1,897.00	

(b) The maximum prices for sales by resellers of the machines listed in paragraph (a) shall be determined as follows: The reseller shall deduct from the list price set forth in paragraph (a) all discounts, allowances and other deductions that the reseller had in effect to a purchaser of the same class just prior to the issuance of this order.

(c) The T. L. Smith Company shall give written notification of the provisions of this order to resellers of the machines listed in paragraph (a)

(d) Within thirty days after the issuance of this order, The T. L. Smith Company shall file with the Office of Price Administration, Washington, D. C., a copy of the written notification required by paragraph (c)

(e) All requests not granted herein are denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 15, 1945.

Issued this 14th day of February 1945.

JAMES F. BROWNLEE,
Acting Administrator

[F. R. Doc. 45-2552; Filed, Feb. 14, 1945;
11:41 a. m.]

[RMPP 169, Order 72]

BONNIE BUTTER PRODUCTS CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

On November 29, 1944, Bonnie Butter Products Company, 8144 Olive Street Road, St. Louis, Missouri, filed an application for the determination of a maximum selling price for its "Bonnie Buttered Beef."

Due consideration has been given to the application and an opinion in support of this Order has been issued simultaneously herewith and filed with the Division of the Federal Register. For the reasons set forth in the opinion, under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant

to the provisions of § 1364.452 (r) of Revised Maximum Price Regulation No. 169; *It is hereby ordered:*

(a) That the maximum selling price for "Bonnie Buttered Beef" produced and sold by Bonnie Butter Products Company, St. Louis, Missouri, shall be 37 cents per pound, f. o. b. the seller's place of business. Bonnie Butter Products Company, St. Louis, Missouri, is permitted to sell this item to purveyors of meals (defined in § 1364.455 (b) (2) of Revised Maximum Price Regulation No. 169) and to intermediate distributors for resale to purveyors of meals. The authorized maximum selling price for the specialty steak product sold under the brand name "Bonnie Buttered Beef" is applicable only where the meat item is processed in accordance with the method described in the application of the Bonnie Butter Products Company, requesting such maximum price.

(b) Bonnie Butter Products Company, St. Louis, Missouri, shall not sell or deliver to purveyors of meals and/or to intermediate distributors for resale to purveyors of meals during any three-month period beginning October 1, January 1, April 1 and July 1, a total volume by weight of "Bonnie Buttered Beef" in excess of 67,500 pounds, except that for the period beginning on the effective date of this Order and terminating on March 31, 1945 Bonnie Butter Products Company of Missouri shall limit its sales of "Bonnie Buttered Beef" to a volume by weight not exceeding an average of 5,625 pounds per week.

(c) Bonnie Butter Products Company, St. Louis, Missouri shall supply each purveyor of meals upon his initial purchase of "Bonnie Buttered Beef" with a written notice in the following form:

NOTICE TO PURVEYOR OF MEALS

The Office of Price Administration has by order, authorized Bonnie Butter Products Company of Missouri to sell "Bonnie Buttered Beef" to purveyors of meals for not more than 37 cents per pound, f. o. b. our place of business at St. Louis, Missouri.

(d) The maximum price for sales to purveyors of meals of "Bonnie Buttered Beef" by any intermediate distributor shall be 37 cents per pound f. o. b. the seller's place of business.

(e) Bonnie Butter Products Company, St. Louis, Missouri shall supply each such intermediate distributor (any person who purchases from Bonnie Butter Products Company for resale purposes) upon his initial purchase of "Bonnie Buttered Beef" with a written notice in the following form:

NOTICE TO DISTRIBUTORS OF BONNIE BUTTERED BEEF

The Office of Price Administration has, by order, authorized Bonnie Butter Products Company, St. Louis, Missouri to sell "Bonnie Buttered Beef" for not more than 37 cents per pound to purveyors of meals and to intermediate distributors who purchase this item for resale to purveyors of meals. Bonnie Butter Products Company is permitted to sell this item to you at a discount but you must resell it to purveyors of meals and you must observe the same maximum price permitted Bonnie Butter Products Company, i. e., 37 cents per pound f. o. b. your place of business. You are furthermore required to advise each purveyor of meals making his

initial purchase of "Bonnie Buttered Beef" of the maximum price established for sales of this product.

(f) Not later than the tenth day following each three-month period ending December 31, March 31, June 30, and September 30, Bonnie Butter Products Company shall submit a statement to the Office of Price Administration, Washington, D. C., showing the total volume of "Bonnie Buttered Beef" sold to purveyors of meals and to intermediate distributors, separately itemized, for each such three month period, setting forth the name and address of each such distributor. In the event that such statement is filed on or before the date specified, this order shall be subject to revocation. After the tenth day following any such three-month period, Bonnie Butter Products Company of Missouri shall not sell or deliver "Bonnie Buttered Beef" until such statement has been submitted to the Office of Price Administration, Washington, D. C.

(g) All prayers of the application not herein granted are denied.

(h) This Order No. 72 may be revoked or amended by the Price Administrator at any time.

This Order No. 72 shall become effective February 15, 1945.

Issued this 14th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2553; Filed, Feb. 14, 1945;
11:41 a. m.]

[MPR 188, Order 3397]

BEATON AND CORBIN MANUFACTURING CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) The maximum net prices for sales by any person of unplated, unpolished brass fittings and trimmings manufactured by The Beaton and Corbin Manufacturing Company of Southington, Connecticut, which were not delivered or offered for delivery by such person during March 1942, shall be 85 percent of the highest net prices for which each seller delivered or offered for delivery during March 1942 the identical chrome plated brass fittings and trimmings manufactured by The Beaton and Corbin Manufacturing Company of Southington, Connecticut,

(b) The maximum net prices for sales by any person of unplated, unpolished brass fittings and trimmings manufactured by The Beaton and Corbin Manufacturing Company of Southington, Connecticut, which were delivered or offered for delivery by such person during March 1942, shall be the highest net prices for which each seller delivered, or if he did not deliver for which he offered for delivery, the identical unplated, unpolished brass fittings and trimmings during March 1942.

(c) All sellers shall extend or render discounts, allowances and services at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(d) The maximum prices for sales on an installed basis of the commodities covered by this order shall be determined in accordance with Revised Maximum Price Regulation No. 251.

(e) The Beaton and Corbin Manufacturing Company, shall notify in writing each of its purchasers at or before the time of the first invoice after the effective date of this order of the maximum prices established by this order for The Beaton and Corbin Manufacturing Company on sales to such purchasers, and the maximum resale prices established for such purchasers.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 15, 1945.

Issued this 14th day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2554; Filed, Feb. 14, 1945;
11:41 a. m.]

[MPR 478, Order 137]

REST WEL PRODUCTS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 10 of Maximum Price Regulation No. 478, *It is ordered:*

(a) The maximum price for sales of the following coated fabric, converted by Rest Wel Products, 576-8 Bristol Street, Brooklyn 12, New York, shall be as follows:

Description

Per linear yard.

32/33" 44 x 40 6.15 printed sheeting, Eddle Pattern, coated with Ranger Company's "D" finish (pyroxylite) ----- \$0.301525

(b) With or prior to the first delivery to any person other than a cutter of the fabric covered by this order, the seller shall notify such person in writing that the maximum price for any resale of this fabric is that set forth in (a) above.

(c) All provisions of Maximum Price Regulation No. 478 not inconsistent with this order shall apply to sales covered by this order.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 15, 1945.

Issued this 14th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2551; Filed, Feb. 14, 1945;
11:44 a. m.]

[MPR 523, Order 30]

GOODYEAR TIRE AND RUBBER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Appendix A (d) of Maximum Price Regulation 523; *It is ordered:*

(a) The maximum retail price for the following synthetic special purpose tubes made by the Goodyear Tire and Rubber Company of Akron, Ohio, shall be as follows:

Lifeguard Special Purpose Tubes

6.00-16-----	\$10.35
6.25/6.50-16-----	12.15
7.00-15-----	12.25
7.00-16-----	12.40

(b) All provisions of Maximum Price Regulation 528 not inconsistent with this order shall apply to sales covered by this order.

(c) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective February 15, 1945.

Issued this 14th day of February 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-2554; Filed, Feb. 14, 1945;
11:45 a. m.]

